

**IN THE COURT OF APPEAL OF BELIZE A.D. 2023**

**CRIMINAL APPEAL NO 24 OF 2019**

**MICHAEL FAUX**

**APPELLANT**

**AND**

**THE KING**

**RESPONDENT**

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**CRIMINAL APPEAL NO. 25 OF 2019**

**ALEJANDRO RAMIREZ**

**APPELLANT**

**AND**

**THE KING**

**RESPONDENT**

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**CRIMINAL APPEAL NO. 26 OF 2019**

**DENNIS TORRES**

**APPELLANT**

**AND**

**THE KING**

**RESPONDENT**

**BEFORE:**

The Hon. Madam Justice Hafiz Bertram

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President

The Hon. Mr. Justice Bulkan

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Justice of Appeal

The Hon. Madam Justice Arana

-

Justice of Appeal

Ms. Leslie Mendez for the appellants

Mrs Cheryl-Lynn Vidal, SC, Director of Public Prosecutions, for the respondent

Date of hearing: 17 March 2023

Date of Promulgation: 19 June 2023

## JUDGMENT

**HAFIZ BERTRAM, P**

### **Introduction**

[1] These three appeals are against sentences only by the Appellants, Michael Faux, (Faux), Alejandro Ramirez (Ramirez) and Dennis Torres (Torres). All three Appellants were convicted of murder and sentenced to life imprisonment.

[2] As a result of the **Criminal Code (Amendment)** Act No. 22 of 2017<sup>1</sup> and the judgment of the Caribbean Court of Justice in the conjoined appeals of **Gregory August and Alwyn Gabb v The Queen**,<sup>2</sup> all three Appellants were re-sentenced. The mandatory life imprisonment was declared unconstitutional and the Caribbean Court of Justice (CCJ) ordered the sentences of those persons convicted of murder be vacated and for them to be re-sentenced.

[3] All three Appellants were re-sentenced in the court below to life imprisonment with a minimum term to serve before becoming eligible for parole. All three appealed on the ground that their sentences were manifestly excessive. The learned Director of Public Prosecutions conceded that the sentences of Faux and Torres are excessive. As for Ramirez the Director's position is that a life sentence was warranted. This Court heard the appeals on 17 March 2023 and reserved its decision.

[4] The Court now allows the appeals of the three Appellants and sets aside their sentences. We find that the sentences imposed by the sentencing judge was excessive in each case. We determined Faux and Torres appeal first, then Ramirez. The Court re-exercised its sentencing discretion and found that the following notional sentences are appropriate: (a) a fixed term sentence of 30 years in relation to Faux; (b) A fixed term sentence of 31 years in relation to Torres; (c) A fixed term sentence of 35 years in relation to Ramirez. As shown in the Order below at [79] the remand period for each Appellant was deducted from the notional sentences.

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<sup>1</sup> Amendment to section 106 the Criminal Code, Chapter 101 of the laws of Belize

<sup>2</sup> [2018] CCI 7 (AJ)

## The powers of this Court to interfere with a sentence

[5] *Section 216 (3) of the Senior Courts Act 2022*<sup>3</sup>, (previously section 30(3) of the Court of Appeal Act which has been cited in the appeals) gives this Court the power to re-exercise the sentencing discretion. All references to the Court’s sentencing power will be to the current statutory provision. It states:

“On an appeal against sentence, the Court shall, if it thinks that a different sentence should have been passed, quash the sentence passed at the trial and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as it thinks ought to have been passed and in any other case shall dismiss the appeal.”

[6] The CCJ in **Pompey v DPP**<sup>4</sup> gives guidance in determining whether a different sentence should be passed by the Court in keeping with its statutory obligation (in Belize, *Section 216 (3) of the Senior Courts Act*). Saunders PCCJ explained the functions of a reviewing court is to step in to correct discrepancies, reverse excesses or aberrations, secure consistency and promote observance of the rule of law.<sup>5</sup> But an appellate court will not alter a sentence merely because members of the court might have passed a different sentence.<sup>6</sup> Further, the Court will not lightly interfere with the exercise of a trial judge’s discretion on sentences imposed unless it is manifestly excessive or wrong in principle.<sup>7</sup>

## Sentencing principles

[7] Jamadar JCCJ summarised the multiple ideological aims of sentencing as: “(i) the public interest, in not only punishing, but also in preventing crime (“as first and foremost” and as overarching), (ii) the retributive or denunciatory (punitive), (iii) the deterrent, in relation to both potential offenders and the particular offender being sentenced, (iv) the preventative, aimed at

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<sup>3</sup> Act No. 27 of 2022

<sup>4</sup> [2020] CCJ 7 (AJ) GY.

<sup>5</sup> Ibid [2]

<sup>6</sup> Ibid [29]

<sup>7</sup> Lashley v Singh [2014] CCJ 11 (AJ), [30]

the particular offender, and (v) the rehabilitative, aimed at rehabilitation of the particular offender with a view to re-integration as a law-abiding member of society.”<sup>8</sup> These principles were also acknowledged by the CCJ in **Alleyne v The Queen**.<sup>9</sup>

*Sentencing guidelines in Pompey – range of sentences or starting points*

[8] In **Calvin Ramcharran v DPP**<sup>10</sup> Barrow JCCJ noted that in the re-exercise of the sentencing discretion, the reviewing Court must identify a starting point or range of sentence which **Pompey** endorsed following the CCJ’s earlier determination in **Teerath Persaud**<sup>11</sup>. In **Persaud**, Anderson JCCJ sets out the methodology for applying sentencing principles to arrive at an appropriate sentence:

“Fixing the starting point is not a mathematical exercise; it is rather an exercise aimed at seeking consistency in sentencing and avoidance of the imposition of arbitrary sentences. Arbitrary sentences undermine the integrity of the justice system. In striving for consistency, there is much merit in determining the starting point with reference to the particular offence which is under consideration, bearing in mind the comparison with other types of offending, taking into account the mitigating and aggravating factors that are relevant to the offence but excluding the mitigating and aggravating factors that relate to the offender. Instead of considering all possible aggravating and mitigating factors only those concerned with the objective seriousness and characteristics of the offence are factored into calculating the starting point. Once the starting point has been so identified the principle of individualized sentencing and proportionality as reflected in the Penal System Reform Act is upheld by taking into account the aggravating and mitigating circumstances particular (or peculiar) to the offender and the appropriate adjustment upwards or downwards can thus be made to the starting point. Where appropriate there should then be a discount for a guilty plea. In accordance with the decision of this Court in *Romeo da Costa Hall v The Queen* full credit

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<sup>8</sup> Pompey [52]

<sup>9</sup> [2019] CCJ 06 (AJ) [44], [45], [58], [90]

<sup>10</sup> [2022] CCJ 4 (AJ) GY

<sup>11</sup> [2018] CCJ 10 (AJ)

for the period spent in pre-trial custody is then to be made and the resulting sentenced imposed.”<sup>12</sup>

[9] The sentencing judge must therefore determine the starting point with reference to the particular offence which is under consideration taking into account the mitigating and aggravating factors that are relevant to the offence, but excluding the mitigating and aggravating factors that relate to the offender. Once the starting point has been identified the court will then take into account the aggravating and mitigating circumstances particular to the offender and make the appropriate adjustments to the starting point.

[10] In Belize there are no sentencing guidelines and therefore, it is recognised that to have consistency in sentencing, the Court must apply the law and consider the relevant precedents for guidance that closely resembles the facts in the matter under consideration in order to identify the range of sentence for the particular offence and thereafter the starting point. Following that is the individualization of the sentence.

### **Sentences for murder in Belize**

[11] All three appeals before the Court are in relation to convictions for murder. Section 106 of the *Criminal Code*, Cap. 101, as amended (22 of 2017) provides for the sentence to be imposed in the case of murder:

“ 106.-(1) Subject to sub-section (2), a person who commits murder shall be *liable*, having regard to the circumstances of the case, to—

- (a) suffer death; or
- (b) imprisonment for life.

(2) A person who commits murder who was, at the time of the commission of the offence, under the age of eighteen years, shall be sentenced to detention at the court’s pleasure.

(3) Where a court sentences a person to imprisonment for life in accordance with sub-section (1), the court shall **specify a minimum term**, which the offender shall serve before he can become eligible to be released on parole in accordance with the statutory provisions for parole.

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<sup>12</sup> Ibid [46]

(4) In determining the appropriate minimum term under subsection (3), the court shall have regard to—

- (a) the circumstances of the offender and the offence;
- (b) any aggravating or mitigating factors of the case;
- (c) any period that the offender has spent on remand awaiting trial;
- (d) any relevant sentencing guidelines issued by the Chief Justice; and
- (e) any other factor that the court considers to be relevant.”

[12] The CCJ in **August** expounded on the amended section 106 as to the sentences to be imposed for conviction of murder at [82] and [83]:

“[82] We have concluded that under the amended section 106, where a person is convicted of murder, that person can be sentenced to death or to a maximum term of imprisonment for life. Accordingly, *any life sentence imposed following a conviction for the offence of murder will be discretionary and not mandatory*. Wherever on the scale the term is fixed, the term of imprisonment must necessarily be such that it is befitting of the circumstances of the offence and the offender.

[83] Where a term of life imprisonment is imposed by the sentencing judge, the judicial tailoring function is preserved by subsections (3) and (4) which allow for the *prescription of a minimum term* that must be served by the offender before being eligible for release on parole. In individualizing that minimum period, the judge’s exercise of his or her sentencing discretion is guided by the consideration of the key factors set out in subsection (4).”

[13] The CCJ then went on to address the impact of prisoners serving life imprisonment for murder under the old regime. At [125] the CCJ said:

“[125] In light of the findings above, it becomes necessary to address the fate of those persons currently incarcerated who were sentenced to life imprisonment for murder, under a now declared unconstitutional mandatory life imprisonment penal provision. In the exercise of our jurisdiction under section 20 of the Constitution, we must order that notwithstanding the provisions of section 106(A)(1), these offenders must be individually re-sentenced by a trial judge. Bearing in mind the utter abhorrence of society towards the crime of murder, **the sentencing judge may well take the view that the fit sentence is one of life imprisonment unless, having regard to mitigating factors, a lesser sentence is deserved.**”

[14] The above shows that the maximum sentence for murder is death or life imprisonment. Where life imprisonment is imposed the *court shall specify a minimum term*, which the offender shall serve before he can become eligible to be released on parole after taking into consideration the factors in section 106(4). The sentencing judge also has a discretion to impose a *fixed term sentence* if there are mitigating factors warranting a lesser sentence.

### **The offence of murder and range of sentence in Belize**

[15] Ms. Mendez and Madam Director have helpfully provided this Court with precedents for life imprisonment and fixed term sentences. The Court has appended the table of precedents from the Director as an Appendix to this judgment. This table shows notional sentences, that is, the sentences imposed before any adjustment for time spent on remand. The statistics show the sentencing trend for murder is life imprisonment with a minimum term before being eligible for release on parole. The table also shows a few instances of the imposition of a fixed term sentence. Further, the precedents provided by Ms. Mendez show that in some cases, a fixed term sentence was imposed. The Court notes that these fixed term sentences have only been imposed where there have been mitigating circumstances warranting a lesser sentence. It is at the discretion of the trial judge to determine whether to impose a sentence of life imprisonment or a fixed term sentence upon a conviction of murder.

[16] For a conviction of murder a custodial sentence is warranted as shown by the imposition of past sentences. The sentencing trend for murder since the amended section 106 and the case of **August** has been the imposition of a **life sentence with a minimum term of 25 – 37 years** after which the convicted person becomes eligible to be released on parole.

[17] Where a sentence of **fixed term is imposed, the range is 25 – 35 years** unless there are circumstances, when individualising a sentence, which warrants a lesser sentence.

## MICHAEL FAUX APPEAL

### **Background facts**

[18] On 9 June 2005, Faux, then 18 years of age, rode on a bicycle to Berkeley Bridge in Belize City, armed with a firearm. He stood there, pulled out the firearm, and fired 4 to 5 shots towards a group of persons who were standing in front of an alley on West Canal, some 300 feet away. Sydney Bradley (Bradley) was one of the persons in that group. He sustained a gunshot injury to his chest and died.

[19] Faux was charged, tried, and convicted by a jury for the murder of Bradley. On the 8 March 2007, he was sentenced to life imprisonment which was a mandatory sentence. He appealed his conviction to this Court which was concluded on 17 October 2007. The appeal was dismissed and his conviction and sentence affirmed.

[20] On 21 October 2019, as ordered by the CCJ the re-sentencing of Faux took place before Lord J. He was sentenced to life imprisonment with a minimum term of 25 years from the date he was remanded, 14 June 2005, before which he could become eligible to be considered for parole. He appealed this sentence.

### **Ground of Appeal**

[21] Faux appealed the sentence imposed on him on the ground that “the learned judge erred in law and/or misdirected himself in failing to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence.”

### **Re-sentencing in the court below**

[22] The re-sentencing judge relied on Act No 22 of 2017 and the Order in **August** to re-sentence Faux. He considered the circumstances of the offence and the offender. This was a re-sentencing for an offence tried in March 2007, and the judge did not have the benefit of having presided over the trial of the substantive offence. He was however, provided with the following materials: (i) The decision of the Court of Appeal in Criminal Appeal No. 3 of 2007; (ii) A social inquiry report; (iii) A police record; (iv) A report of the Superintendent of Prisons; (v) A psychiatric evaluation of Faux; and (vi) An affidavit from Faux.

[23] The judge considered the classical principles of sentencing as stated by Byron CJ in **Desmond Baptiste v The Queen**,<sup>13</sup> retribution, deterrence, prevention, and rehabilitation. Thereafter, he considered the following aggravating and mitigating factors:

*Aggravating factors*

- 1) The extreme nature of the offence, the use of a gun and the disregard for life when he shot 4 or 5 times into a group of persons, hitting the deceased, Bradley, in his chest, killing him;
- 2) A great deal of premeditation as he first approached the area and returned 5 minutes later on a bicycle and fired the shots;
- 3) The evidence from the Prosecution witness showed that the events were unprovoked by the deceased;
- 4) Faux was not a model prisoner as he had 12 infractions and one conviction for escape from lawful custody whilst on remand and was sentenced to one year imprisonment;
- 5) Six previous convictions prior to his sentence for murder.

*Mitigating factors*

- 1) Faux was a youthful person, barely 18 years old at the time of the offence. He was a young man who had no guidance from a proper male model. He lived in George Street, a very volatile area in Belize City and was lured into gang activity;
- 2) He was remorseful for the offence;
- 3) He attended counselling programmes and acts as a peer counsellor at Wagner's Facility;
- 4) He attends church and expressed genuine remorse for his offence.

*Other considerations*

- 1) The trial judge considered Faux's capacity for reform;
- 2) Faux exhibited no evidence of any psychiatric or behavioural disorder.

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<sup>13</sup> Criminal Appeal No. 8 of 2003 at [21]

[24] The re-sentencing judge noted thereafter that the aggravating factors far outweighed the mitigating factors. He also noted that in sentencing a convicted person, the sentencing judge is required to consider the circumstances of each case including the circumstances of the offender. The judge concluded that in re-sentencing Faux, taking all the circumstances of the offence into consideration, a sentence of life imprisonment is best suited with a minimum term of 25 years from the date of his first remand, 14 June 2005. This did not include the 1-year sentence for escape from lawful custody.

### **Whether the sentence excessive**

[25] Faux was a minor at the time of the offence and this is a mitigating factor which the sentencing judge mentioned. However, he did give sufficient weight to this factor along with other mitigating factors to impose a lesser sentence. Instead, he imposed the life sentence on Faux because the aggravating circumstances far outweighed the mitigating circumstances.

[26] Ms. Mendez submitted that a fixed term sentence is warranted in this case because Faux was still a teenager. The Director acknowledged that Faux was still a teenager at the time of the commission of the offence and that factor and other circumstances of the case makes a fixed term of imprisonment appropriate.

[27] The sentencing trend for murder since the change in the law shows that a fixed term is only imposed where there is some mitigating feature in the case. The Court is of the view that a fixed term sentence is warranted in this case particularly because Faux was a minor and he was remorseful. We have also considered other factors such as his rehabilitation prospects. As such the life imprisonment imposed upon him with the minimum term of 25 years was excessive and disproportionate. The ground of appeal is that the sentence imposed by the sentencing judge was manifestly excessive taking into consideration Faux was a minor. The ground therefore, fits within the ambit of *Section 216 (3) of the Senior Courts Act* and this Court has jurisdiction to re-exercise the sentencing discretion.

## Re-exercising of the sentencing discretion by this Court

### *Precedents*

[28] Ms. Mendez submitted that the fixed term range in Faux' case should be 25 - 30 years because of the two escape attempts by him. The precedents provided to the Court by Ms. Mendez for consideration are:

- (i) **Patrick Robateau and Leslie Pipersburgh v The Queen** - The offenders, employees of Bowen & Bowen were convicted of murdering two security guards on duty at the same Company, in the course of a robbery. They were shot and killed, while on duty. The court imposed a **fixed term of 35 years of imprisonment** noting that two lives were lost, the offence was committed in pursuance of an armed robbery with the use of firearms. On the mitigating side, the Court noted that the offenders had expressed remorse and asked for forgiveness and had made improvement in their lives.
- (ii) **Nicolas Antonio Guevara v The Queen**<sup>14</sup> – Guevara was convicted of the murder of Marcos Tzul with the use of a rifle. He was one of three armed men who accosted and shot the deceased. After this, they also sexually assaulted the deceased's female companion. Guevara denied being involved in the sexual assault. He was sentenced to a **fixed term of 25 years**.
- (iii) **Alfredo Ical v The Queen**- Ical was convicted of the murder of Jose Nunez. The victim was beaten to death. Ical was 21 years old at the time of the offence. He was sentenced to a fixed term of 25 years.
- (iv) **Erlin White v The Queen**- White was sentenced to life imprisonment to serve a minimum period of 25 years before being eligible for parole. The offender had multiple previous convictions, including one for manslaughter, as well as wounding and use of deadly means of harm. He also had 20 infractions while at prison.
- (v) **Alwin Gabb v The Queen**- Gabb was sentenced to a fixed term of 25 years imprisonment for murder by stabbing. There was some jealousy involving the victim.
- (vi) **Glenford Baptist v Attorney General of Belize**- Baptist was sentenced to 25 years imprisonment. He was convicted of murder, along with two others. The offence was committed with the use of a firearm.

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<sup>14</sup> Claim No. 210 of 2018

- (vii) **The Queen v Louis Gentle and Linsbert Bahadur-** Gentle was sentenced to a fixed term of 20 years and Bahadur was sentenced to life imprisonment with eligibility of parole after 25 years. Bahadur shot his victim in the head. Gentle murdered the mother of his children and his children.
- (viii) **The Queen v Milton Maza and Eli Lopez Avila-** Both were sentenced to a fixed term of 35 years for double homicide in the course of a robbery. The victims were stabbed 25 times.
- (ix) **The Queen v Ernest Thurton Jr-** Thurton was sentenced to life imprisonment with minimum term of 35 years imprisonment for double homicide with use of firearm.
- (x) **Patrick Reyes v The Queen-** Reyes was sentenced to life imprisonment subject to two consecutive terms of 20 years before becoming eligible for parole. This case involved a double homicide.
- (xi) **The Queen v Orlando Wade-** Wade was sentenced to life imprisonment with eligibility for parole after 25 years. Wade was convicted with the murder of Ms Doria, by manual strangulation. The evidence also showed that Wade had beaten the deceased and attempted to rape her.
- (xii) **Gregory August v The Queen-** August was sentenced to a fixed term of 30 years. August was 19 years old at the time of the offence. August was convicted of the murder of one Alvin Robinson, an elderly man of 73 years, by multiple stabbing. The Court noted that the appellant was 19 years old at the time of the offence. He had two previous minor offences. There was evidence of good character.

[29] Madam Director in response to those precedents submitted to the Court:

- (i) **Guevara's** case is unique. **Basra** was referred to in **Guevara** by the then Chief Justice prior to imposing a fixed sentence of 25 years imprisonment at his re-sentencing, but the facts must be taken in context. Guevara was, at the time of his re-sentencing, the longest held inmate in the prison, having been incarcerated since the year 1992. Upon his conviction in 1993, he was sentenced to death, and he spent some 9 years on Death Row before that sentence was commuted. He had a near perfect Prison Record for the 26 years he had been incarcerated. He was re-sentenced in 2018. A sentence of imprisonment for life was therefore inappropriate in those circumstances.

- (ii) **Patrick Robateau and Leslie Pipersburgh** had also been sentenced to death on their convictions for murder. They remained on Death Row from March 2004 until February of 2008 when they succeeded in their appeal to the Board. They were re-tried and again convicted and a sentence of life imprisonment was imposed. By the time of their re-sentencing, in 2019, they had already spent 15 years in prison and had impressive prison records. The circumstances of the case were also important as the motive was clearly robbery and it appeared on the facts that they had not set out to commit murder.
- (iii) **Glenford Baptist**, had spent some 13 years on death row, part of that period as the only prisoner there, before he succeeded on a constitutional motion and was sentenced to a fixed term of 25 years. On the facts of his case, he was not the shooter, but had passed the firearm to the shooter to commit the murder.
- (iv) In **Louie Gentle v The Queen**, a fixed sentence was also imposed. Sentences for incidents arising out of domestic situations have traditionally attracted lesser sentences when the perpetrators have been convicted of manslaughter – that is, less than the range for the “street fight type of manslaughter” referred to in **DPP v Clifford Hyde**. **Gentle** killed the mother of his children (not his children as stated in paragraph 20 of the appellant’s submissions). There was an element of provocation – a suggestion that she had made a decision that he would no longer have access to his children. He had been convicted in 2007. He was re-sentenced in 2018.
- (v) **Alwin Gabb’s** case also arose out of a domestic situation. He was sentenced to 25 years imprisonment. He had happened upon his spouse providing food to the deceased and in a jealous rage inflicted multiple stab wounds on him. **Marcial Toledo**, likewise. He had gone to the Police Station armed with a knife and waited for the deceased, a police officer who was having an affair with his wife, and had stabbed him to death when he arrived. He was sentenced to a fixed term of after he pleaded guilty to murder. **Samuel August** had driven a backhoe into the home where the grandmother of his children resided with them, resulting in her death and the death of one of his sons. He pleaded guilty to both counts of murder and was given a fixed term of 35 years.
- (vi) In the case of **Nevis Betancourt v The Queen**, the trial judge had imposed a fixed sentence of 20 years imprisonment. The facts suggested that Betancourt had committed the act in defence of his mother, although the circumstances did not legally amount to self defence, and further, he was of exceptionally good character prior to the incident.

[30] The Court notes the sentences imposed in the above cases which are for guidance only and not binding on the Court. Moreover, insofar as Madam Director refers to a purported trend

whereby incidents arising out of domestic incidents have traditionally attracted greater leniency both in terms of conviction and sentencing, we are firmly of the view that any such trend is misguided, out of step with prevailing notions of criminal justice and in urgent need of revision. On the contrary, incidents arising out of domestic situations should be treated with equal if not greater severity, given the proximity of the relationship involved, the betrayal of trust represented, and the likely physical and emotional trauma accompanying (and probably preceding) domestic fatalities – both for the victim and survivors. Domestic incidents are as reprehensible as other types of killings and should no longer be undervalued, if indeed any such trend exists.

### **Fixing the starting point**

#### *Aggravating and Mitigating factors relevant to the commission of the offence*

[31] In fixing the starting point, the Court notes the gravity and seriousness of the offence of murder committed by Faux. He used a dangerous weapon, a gun and fired four to five shots in the direction of the deceased who was standing with a group of people. There were no mitigating factors in relation to the offence in relation to Faux. The Court has also considered that murder is very prevalent in Belize.

[32] The Court is not in agreement with Ms. Mendez that in Faux's case a fixed term within the range of 20-30 years would be appropriate considering the Appellant's age, his social and economic context, his genuine expression of remorse and the clear steps he has taken towards rehabilitation. The fixed term range taking into consideration the nature of the offence is 25 – 35 years. Faux used a gun and fired 4 to 5 shots into a group of persons killing the deceased. This is a very serious offence. However, we bear in mind the objectives of sentencing are not only retribution, deterrence and prevention but rehabilitation. We are of the view that the **August** case is of some relevance as he was also a teenager, 19 years when he was convicted of murder for the multiple stabbing of an elderly man. August had two previous minor offences and was of good character. He was sentenced to a fixed term sentence of 30 years. The Court is of the view that in Faux case the starting point should be 29 years which is within the range of 25 to 35 years.

### ***Aggravating and Mitigating factors pertaining to the offender***

[33] The Court notes the aggravating and mitigating factors as stated by the re-sentencing judge at [23]. In particular, Faux was still a minor when the offence was committed. Further, Faux has the capacity for reform. He has attended counselling programs and acts as a peer counsellor at Wagner's Facility. Even further, there is no evidence that he has mental and psychological problems.

### **Adjustments for Aggravating and Mitigating factors relevant to the offender**

[34] The mitigating circumstances in this case warrant a fixed term sentence. The Court has considered that a starting point of 29 years is appropriate taking into consideration that the range is 25 – 35 years. For the aggravating factors we make an upward adjustment of 3 years which is a total of 32 years. In relation to the mitigating factors we make a downward adjustment of 2 years particularly because he was still a minor, barely 18 years and has the capacity for reform and also was remorseful for his actions. This leaves a notional fixed term sentence of 30 years.

### **Remand period to be deducted**

[35] Faux was remanded on 14 June 2005 for the offence of murder. His original date of sentence of life imprisonment was on 8 March 2007. The Court notes that Faux was sentenced on 18 August 2005 to one year's imprisonment for escape from lawful custody. However, since the escape from lawful custody was treated as an aggravating factor and in light of his youth we have decided to give him full credit for the period remanded for murder. The full remand period of 1 year, 8 months and 23 days is therefore deducted from the notional sentence of 30 years which leaves a term of 28 years 3 months and 1 week, which we round off to 28 years and 3 months. This is to commence from the original date of sentence, 8 March 2007.

### **Conclusion**

[36] The appeal of Faux is allowed. The sentence of life imprisonment with a minimum of 25 years imprisonment imposed on Faux is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 28 years and 3 months to commence from 8 March 2007.

## DENNIS TORRES APPEAL

### **Background facts**

[37] In April of 2002, the Appellant, Torres murdered Adali Morales (Morales). The motive appears to have been, that he thought Morales had stolen his tape recorder. It was a premeditated killing. The week before, he had expressed to another person at the farm where he worked that he intended to kill Morales. On the day of the killing, when Morales arrived on the farm, the Appellant began sharpening his machete. After about an hour of doing so, and at the same time conversing with Morales, he used the sharpened machete to cut Morales' throat. Subsequent to the killing, he admitted to two persons that he had killed Morales and sought their assistance to bury the body. The body has never been found.

[38] Torres was convicted for the murder, by a jury, on the 13 December 2004 and on the 31 of December 2004, he was sentenced to life imprisonment. He appealed against his conviction and sentence which was heard and dismissed on 16 October 2006.

[39] As a result of the *Criminal Code (Amendment) Act 2017* and the judgment of the CCJ in **August** he was re-sentenced. This re-sentencing took place before Lord J and on 21 October 2019, Torres was again sentenced to life imprisonment, but a minimum term of 25 years was set before which he could become eligible to be considered for parole. He then appealed.

### **Ground of appeal**

[40] Torres appealed on the ground that "the learned judge erred in law and/or misdirected himself in failing to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence."

### **Re-sentencing in the court below**

[41] The re-sentencing judge relied on Act No 22 of 2017 and the Order in **August** to re-sentence Torres. This was a re-sentencing for an offence tried in December 2004. The judge did not preside over the trial of the substantive offence. He was provided with the following materials: (i) The decision of the Court of Appeal in Criminal Appeal No. 36 of

2004; (ii) A social inquiry report; (iii) A report of the Superintendent of Prisons; (iv) A psychiatric evaluation of Torres; and (vi) An affidavit from Torres.

[42] The re-sentencing judge considered the circumstances of the offence and the offender, and the sentencing principles stated in **Baptist**. Thereafter he considered the following aggravating and mitigating factors:

*Aggravating factors*

- (i) The extreme nature of the offence. The use of a machete which was sharpened in the presence of the deceased for approximately one hour before using it to cut his throat;
- (ii) The serious disregard for human life as Torres thought the deceased stole his tape record and though unproven planned to kill him.
- (iii) A great amount of premeditation as Torres told a witness that he would kill the deceased;
- (iv) The deceased was sitting and conversing with Torres whilst he sharpened the machete for one hour. He suddenly got up and cut the deceased throat as witnessed by Humberto Enrique Gonzalez.

*Mitigating factors*

- (i) Torres was a model prisoner after three minor infractions between 2005-2006;
- (ii) He has health problems as he was diagnosed with testicular atrophy and continues to suffer severe pain;
- (iii) He expressed genuine remorse.

[43] The sentencing judge concluded that the aggravating factors outweighed the mitigating factors. He further considered that at the time Torres committed the offence he did not exhibit any psychiatric illness or behavioural disorder. He also took into consideration the circumstance of the offence. For these reasons, he concluded that life imprisonment is best suited for Torres.

[44] Torres was sentenced to life imprisonment with a minimum term of twenty five (25) years for the offence from the date of his first remand, 2 July 2002, before becoming eligible to be released on parole.

### **Whether the sentence was excessive**

[45] Torres detailed his health conditions in the affidavit sworn by him for re-sentencing. He was diagnosed with left testicular atrophy since 2014 and suffers from constant pain which is irreversible. He suffers intense pain everyday. He asked for leniency so that he could return to his country of origin so that he could get better treatment there. He stated that he is at the mercy of the doctors and medication at the prison facilities, which are limited.

[46] He deposed that he would like to have a relationship with his children who are now adults. He missed their entire childhood and was unable to build a relationship with them. They were unable to visit him in the Belize Prison. Further, that he would like to see his mother whom he had not seen in 17 years. His father passed away whilst he was in prison and he was unable to attend his funeral. He does not want the same to happen with his mother. Further, Torres has expressed genuine remorse for his actions. He accepted responsibility and recognised that his actions were egregious, and he will carry that forever on his conscience.

[47] Learned counsel, Ms. Mendez submitted that the sentencing judge provided no reason as to why a determinate sentence was inappropriate, or why an indeterminate sentence (life imprisonment) was warranted in this case. That other than identifying the aggravating and mitigating factors, he did not demonstrate how he arrived at the particular sentence. Therefore, the result was an arbitrary and excessive sentence.

[48] The learned Madam Director submitted that a sentence of life imprisonment poses special challenges for Torres as after the punitive part of his sentence has been completed, if he is released to serve the rest of the sentence in the community, this would impact on his ability to return to the country of his birth and remain there. She referred to his health conditions and his desire to return home as shown in his affidavit evidence. The Director noted that Prison Records show that at least for the past 16 years, Torres has not committed any infractions.

[49] The learned Director conceded that Torres' present circumstances militate against the imposition of a life sentence. However, the manner in which the offence was committed is serious enough to warrant a sentence that is in the mid to upper end of the range of 25 – 35 years as established in the Court of Appeal and endorsed by the Caribbean Court of Justice.

[50] The Court is of the view that a fixed term sentence is warranted in this case because of the mitigating factors but especially for these reasons: (a) His health conditions in an overcrowded prison; (b) He has no family members in Belize and is desirous of returning to his home country; (c) He is a model prisoner and as such has rehabilitation prospects; and (d) He was remorseful for his actions.

[51] Torres appealed on the ground that the judge failed to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence on him. In the view of the Court, taking into consideration the above mitigating factors, the sentence imposed by the sentencing judge was manifestly excessive. The ground therefore, fits within the ambit of *Section 216 (3) of the Senior Courts Act*. This Court will therefore, re-exercise the sentencing discretion.

### **Re-exercising of the sentencing discretion by this Court**

#### *Precedents*

[52] Ms. Mendez argued that the precedents reveal a sentencing range of 20 years at the lower end, and life imprisonment with the possibility of parole in 35 years at the upper end. Madam Director submitted that the manner in which the offence was committed by Torres is serious enough to warrant a sentence in the mid to upper end of the range of 25 – 35 years, established in the Court of Appeal and endorsed by the CCJ.

### **Fixing the starting point**

#### *Aggravating and Mitigating factors relevant to the commission of the offence*

[53] To fix a starting point, the Court notes the gravity and seriousness of the offence of the murder committed by Torres. He sat for one hour sharpening his machete whilst conversing with the deceased. Then he got up suddenly and slit the deceased throat causing his death. The body of the deceased was never found. Torres told a witness that he believed the deceased stole his tape recorder and he would kill him. This shows the premeditation. There were no mitigating factors in relation to the offence. The Court has also considered that murder is very prevalent in Belize.

[54] We have considered the precedents for guidance, as well as the objectives of sentencing and forms the view that the starting point should be 30 years, mid point on the scale, which is within the range of 25 to 35 years.

***Aggravating and Mitigating factors pertaining to the offender***

[55] The Court notes the aggravating and mitigating factors as stated by the re-sentencing judge at [42]. We have considered in particular the health conditions of Torres and the fact that he has no family in Belize and would like to return to his homeland. Further, Torres has the capacity for reform as he is a model prisoner. There is no evidence that he has mental and psychological problems.

**Adjustments for Aggravating and Mitigating factors**

[56] The mitigating circumstances in this case warrant a fixed term sentence as discussed previously. The Court has considered that a starting point of 30 years, the middle of the range of 25 – 35 years is appropriate. The cutting of the deceased throat after sharpening his machete for one hour for a tape recorder he thought the deceased stole shows his disregard for life. Further, the body of the deceased was never found. For the aggravating factors we make an upward adjustment of 3 years which is a total of 33 years. In relation to the mitigating factors we make a downward adjustment of 2 years particularly because of his ill-health, the capacity for reform and also he was remorseful for his actions. This leaves a notional sentence of 31 years.

**Remand period to be deducted**

[57] Torres was remanded on 2 July 2002 for the offence of murder. His original date of sentence of life imprisonment was 31 December 2004. On 21 October 2019 he was re-sentenced to life imprisonment with the possibility of parole in 25 years. The full remand period, (rounding off the 2 days in July 2002 in the Appellant's favour) is 2 years and 6 months (2 July 2002 – 31 December 2004). This period is therefore deducted from the notional sentence of 31 years which leaves a term of 28 years and 6 months. This is to commence from the original date of sentence, 31 December 2004.

## **Conclusion**

[58] Torres appeal is allowed. The sentence of life imprisonment with a minimum term of 25 years imposed on him before becoming eligible for parole is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 28 years and 6 months to commence from 31 December 2004.

## **RAMIREZ APPEAL**

### **Background facts**

[59] On the 30 September 2002, the Appellant, Alejandro Ramirez (Ramirez) was convicted by a jury for the murder of Francisco Molina, also known as Don Panchito, (the deceased) a man estimated to be in his nineties. He was sentenced to life imprisonment on 11 October 2002.

[60] The deceased body had been found on the 6 March 2001 at his home. He had been stabbed with a knife to the chest and beaten with a maul. His death was ultimately caused by a combination of manual strangulation and multiple trauma which was inflicted during and after the strangulation. Ramirez was linked to the crime by his own admission to a friend, who later became the Crown's main witness.

[61] As a result of the Criminal Code (Amendment) Act 2017 and the judgment of the CCJ in **August** that sentence was vacated and he was re-sentenced. On 21 October 2019, the re-sentencing took place before Lord J. Ramirez was again sentenced to life imprisonment and a minimum term of 30 years was set before which he could become eligible to be considered for parole. He appealed this sentence.

### **Ground of appeal**

[62] Ramirez appealed on the ground that the judge erred in law and/or misdirected himself in failing to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence on him.

### **Re-sentencing in the court below**

[63] The re-sentencing judge relied on Act No 22 of 2017 and the Order in **August** to re-sentence Ramirez. He considered the circumstances of the offence and the offender. This was a re-sentencing for an offence tried in March 2007, and the judge did not preside over the trial of the substantive offence. He was however, provided with the following materials: (i) The decision of the Court of Appeal in Criminal Appeal No. 18 of 2002; (ii) A social inquiry report; (iii) A report of the Superintendent of Prisons; (iv) A psychiatric evaluation of Ramirez ; and (v) An affidavit of Ramirez.

[64] The judge noted the principles of sentencing as stated by Byron CJ in **Baptiste**, retribution, deterrence, prevention, and rehabilitation. Thereafter, he considered the following aggravating and mitigating factors:

#### *Aggravating factors*

- (i) The extreme nature of the offence. It was an act of senseless violence against a senior citizen with the use of a knife and a maul and the act was carried out very aggressively; The post mortem of the deceased revealed that he died from manual strangulation and multiple trauma which was inflicted during as well as after strangulation.
- (ii) The manner of the execution of the offence which the trial court accepted showed that there was a great degree of premeditation;
- (iii) The attack was unprovoked by the deceased who was killed in his own home. There was no reason given or found for the attack on the deceased;
- (iv) The Crown's evidence from Cervera showed that Ramirez went to his home on 6 March 2001, at 3:00 a.m. and told him that he had killed Don Panchito, the deceased. Ramirez asked him for water to wash off blood from his hands, tennis shoes and his shirt. He then requested two plastic bags from Cervera and told him that he wanted to go and make sure that the man was dead and remove evidence. Ramirez also told Cervera that he used a maul and a knife to kill the deceased;
- (v) He was reluctant to accept his conviction and expressed no remorse as shown in the social report from the Community Rehabilitation Department;
- (vi) The report from prison showed that he committed six infractions during his confinement for the offence. This included (a) False and malicious allegations against an officer;

(b) inciting mutiny; and (c) 3 counts of possession of an unauthorised article – Homemade wine and cannabis.

*Mitigating factors*

- (i) Ramirez has no previous conviction;
- (ii) He suffers from high blood pressure and diabetes. He had a stroke and suffers from intense headaches.

*Other considerations*

- (i) Ramirez exhibited no evidence of psychiatric illness or behavioural disorder;

[65] The sentencing judge noted that the aggravating factors outweighed the mitigating factors and considerably so. He concluded that in re-sentencing Ramirez, a sentence of life imprisonment is best suited. The judge took into consideration the aggravating and mitigating factors and set a minimum term of 30 years imprisonment. He sentenced Ramirez to life imprisonment with a minimum term of 30 years before becoming eligible to be released on parole. The sentence commenced from 4 April 2001, the date of his remand. Ramirez appealed the sentence.

**Ground of Appeal**

[66] Ramirez appealed on the ground that the judge erred in law and/or misdirected himself in failing to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence.

**Whether the sentence was excessive**

[67] Ms. Mendez argued that the re-sentencing judge failed to give due weight to the mitigating circumstances of the case and thereby imposing an excessive and disproportionate sentence of life sentence with a minimum term of 30 years before becoming eligible to be released on parole. She further argued that a fixed term sentence is appropriate for Ramirez. Madam Director argued that a life sentence is warranted for Ramirez under the circumstances of this case.

*Life imprisonment or fixed term?*

[68] A sentencing judge does not have an easy task and this is not a mathematical exercise. Further, Belize has no sentencing guidelines, but there are precedents for guidance which are not binding on the Court. The sentencing court strives for consistency by considering precedents of similar offences. Ms. Mendez provided the Court with mostly precedents of fixed term sentences. The Director on the other hand, has provided the Court with an extensive list of authorities which shows that the trend since **August** is life imprisonment with a minimum term. (See the Appendix to this judgment).

[69] The Court will consider the mitigating circumstances in this case to determine if a lesser sentence is warranted for Ramirez. We note the mitigating circumstances at [64] which the re-sentencing judge considered. Additionally, we are of the view that there are other mitigating circumstances which were not considered by the judge and other circumstances which were not given enough weight. These are:

*Mitigating factors not given enough weight*

- (i) Ramirez has no previous conviction and no history of violent offence;
- (ii) He suffers from high blood pressure and diabetes. He had a stroke in prison and suffers from intense headaches;
- (iii) There is a prospect of rehabilitation after spending 18 years in prison (at present 21 years) and he has taken part in rehabilitative programs at the prison as shown by the exhibits to his affidavit evidence.

*Mitigating factors not considered by re-sentencing judge*

- (i) Ramirez was abandoned by his mother at an early age. Thereafter, the foster parents abandoned him at the age of 12; (See Social Inquiry report)
- (ii) He struggled with addiction to drugs, alcohol and bars as a result of the abandonment; (Affidavit evidence)
- (iii) He stated that he knows very little about his origins and is unsure of his nationality. However, he has seven children with whom he can build a relationship if given that opportunity to do so.
- (iv) Since 2010, Ramirez has grown closer to his faith and actively participated in the spiritual programmes at the prison.

[70] The Court is of the view that a lesser sentence, a fixed term sentence, is warranted because of the mitigating factors considered above by the Court, especially because of Ramirez' health condition ( as in the case of **Torres** in this appeal where health reason is one of the factors for imposing a fixed term sentence) and the inevitable trauma of being twice abandoned. Further, we are of the view, that after 21 years of imprisonment there is a possibility or likelihood of Ramirez being rehabilitated despite his lack of remorse. We note that he has taken part in numerous rehabilitative programs and has grown closer to his faith. Further, he has seven children with whom he can possibly build a relationship. Accordingly, the sentence imposed by the sentencing judge was excessive. The ground therefore, fits within the ambit of *Section 216 (3) of the Senior Courts Act*.

### **Re-exercise of the sentencing discretion by this Court**

#### *Precedents*

[71] We have considered all the precedents placed before the Court for guidance. Ms. Mendez submitted that based on the sentences in **August** and **Lopez and Maza**, a fixed term sentence between the range of 25-35 would be appropriate taking into account the nature of the offence and the vulnerable status of the victim. In her view, Ramirez crime was no more heinous than **August**, which also involved the killing of a senior citizen by stabbing. Similarly, the victims in **Maza and Avila** were stabbed 25 times each.

### **Fixing the starting point**

#### *Aggravating and Mitigating factors relevant to the commission of the offence*

[72] In fixing the starting point , we note the aggravating factors as shown at [69]. This was a crime committed on an elderly person in his home in a most gruesome manner. There were no mitigating circumstances in relation to the offence. Ramirez went back to the scene of the crime to ensure that the elderly man in his nineties was dead and to remove evidence.

[73] In **August** case, he was given a fixed term sentence of 30 years for stabbing an elderly man in his home. It was indeed a very heinous crime as well. However, he was a minor at the time of the offence. Ramirez was an adult at the time of the offence. He stabbed the victim to the heart, beat him with a maul and strangled him. He then later went back with two

plastic bags to the scene of the crime to ensure the victim was dead. **August** is not an exact comparator but gives some guidance.

[74] The Court notes the gravity and seriousness of the offence of the murder committed by Ramirez and forms the view that it warrants a starting point of 33 years, at the upper end of the range, 25 to 35.

#### ***Aggravating and Mitigating factors pertaining to the offender***

[75] The Court notes the aggravating and mitigating factors as stated by the re-sentencing judge at [64]. We have considered other mitigating factors at [ 69 ] and gave more weight to some mitigating factors considered by the re-sentencing judge. The health conditions of Ramirez was of particular concern, high blood pressure, stroke and diabetes. He had a stroke since in prison. Further, there is a possibility of reform. There is no evidence that he has mental and psychological problems.

#### **Adjustments for Aggravating and Mitigating factors**

[76] The mitigating circumstances in this case warrant a fixed term sentence as discussed previously. The Court has considered that a starting point of 33 years to be appropriate. For the aggravating factors we make an upward adjustment of 4 years which is a total of 37 years. In relation to the mitigating factors we make a downward adjustment of 2 years particularly because of his ill-health and the likelihood of reform. This leaves a notional fixed term sentence of 35 years.

#### **Remand period to be deducted**

[77] Ramirez was remanded on 4 April 2001 for the offence of murder. His original date of sentence of life imprisonment was on 11 October 2002. On 21 October 2019, he was re-sentenced to life imprisonment with the possibility of parole in 30 years. The full remand period is 4 April 2001 to 11 October 2002 which is 1 year 6 months and 1 week. This period is therefore deducted from the notional sentence of 35 years which leaves a term of 33 years 5 months 3 weeks. This sentence is to commence from the original date of sentence, 11 October 2002.

## **Conclusion**

[78] Ramirez appeal is allowed. The sentence of life imprisonment with a minimum of 30 years imposed on him is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 33 years 5 months 3 weeks to commence on 11 October 2002.

## **ORDER OF THE COURT**

[79] In accordance with our conclusions of each of the appeals, the Court makes the following order:

- (i) Faux's appeal is allowed. The sentence of life imprisonment with a minimum term of 25 years imposed on him is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 28 years and 3 months to commence from 8 March 2007.
- (ii) Torres' appeal is allowed. The sentence of life imprisonment with a minimum term of 25 years imposed on him is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 28 years and 6 months to commence from 31 December 2004.
- (iii) Ramirez's appeal is allowed. The sentence of life imprisonment with a minimum of 30 years imposed on him is set aside and the Court substitutes pursuant to *Section 216 (3) of the Senior Courts Act*, a fixed term sentence of 33 years 5 months and 3 weeks to commence on 11 October 2002.

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HAFIZ BERTRAM, P

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BULKAN, JA

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ARANA, JA

Appendix

**Table shows notional sentences**

<b>NO</b>	<b>YEAR</b>	<b>NAME OF CONVICTED PERSON</b>	<b>SENTENCE IMPOSED BY TRIAL JUDGE</b>
1.	2017	DONOVAN CASILDO	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
2.	2017	MATTHEW GENTLE	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
3.	2017	TRANSITO TZUL	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
4.	2017	SHERLOCK MYVETTE	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
5.	2018	ERNEST THURTON	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
6.	2019	ANDREW WILLOUGHBY	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
7.	2019	ORVIN WADE	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
8.	2019	TEVIN ANDREWIN	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
9.	2019	HENRY JACOBS	LIFE IMPRISONMENT. MINIMUM TERM OF 20 YEARS BEFORE ELIGIBLE FOR PAROLE

10	2019	ERNEST CASTILLO	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
11	2019	ASHTON VANEGAS	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
12	2019	KEIRON FERNANDEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
13	2019	TERRENCE FERNANDEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
14	2019	WILLIAM MASON	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
15	2019	VALENTINE BAPTIST	IMPRISONMENT FOR 30 YEARS
16	2019	GODWIN SANTOS	LIFE IMPRISONMENT. MINIMUM TERM OF 20 YEARS BEFORE ELIGIBLE FOR PAROLE
17	2019	WAYNE MARTINEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 20 YEARS BEFORE ELIGIBLE FOR PAROLE
18	2019	GEOVANNI VILLANUEVA	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
19	2019	JEREMY HARRIS	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
20	2019	MIGUEL HERRERA SR	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE

21	2019	PHILLIP TILLET	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
22	2019	CHADRICK DeBRIDE	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
23	2019	ORLANDO WADE	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
24	2019	AGRIPO ICAL	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
25	2019	ANDY FORBES	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
26	2019	WILLIAM VASQUEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
27	2019	CLINTON HARRIS	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
28	2020	LUIS CARTER	30 YEARS IMPRISONMENT
29	2020	SAUL CAMPOS	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
30	2020	MARIO AGUIRRE	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
31	2020	APOLONIO KIOW	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
32	2020	TEVIN ANDREW IN	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE

33	2020	NEVIS BETANCOURT	20 YEARS IMPRISONMENT
34	2020	SYNDNEY BUCKNOR	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
35	2020	VILDO WESTBY	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
36	2021	NICHOLAS SWASO	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
37	2021	CHRISTOPHER BRADLEY	LIFE IMPRISONMENT. MINIMUM TERM OF 28 YEARS BEFORE ELIGIBLE FOR PAROLE
38	2021	DEAN GALVEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
39	2021	KEYRON GIBSON	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE
40	2022	WILMER ESCOBAR	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
41	2022	NOE GONZALEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 26 YEARS BEFORE ELIGIBLE FOR PAROLE
42	2022	RAFAEL MENCIAS	LIFE IMPRISONMENT. MINIMUM TERM OF 35 YEARS BEFORE ELIGIBLE FOR PAROLE
43	2022	MARCIAL TOLEDO	30 YEARS IMPRISONMENT
44	2022	KEON DENNISON	LIFE IMPRISONMENT. MINIMUM TERM OF 20 YEARS BEFORE ELIGIBLE FOR PAROLE

45	2022	RAHEEM BUDRAM	LIFE IMPRISONMENT. MINIMUM TERM OF 37 YEARS AND 7 MONTHS BEFORE ELIGIBLE FOR PAROLE
46	2022	KAREEM EAGAN	LIFE IMPRISONMENT. MINIMUM TERM OF 37 YEARS AND 7 MONTHS BEFORE ELIGIBLE FOR PAROLE
47	2023	BRANDON HUGHES	LIFE IMPRISONMENT. MINIMUM TERM OF 30 YEARS BEFORE ELIGIBLE FOR PAROLE
48	2023	JOSE GOMEZ	12 YEARS IMPRISONMENT. ELIGIBILITY FOR PAROLE AFTER SERVING 8 YEARS
49	2023	SAMUEL AUGUST	35 YEARS IMPRISONMENT. ELIGIBILITY FOR PAROLE AFTER SERVING 20 YEARS
50	2023	NOE GONZALEZ	LIFE IMPRISONMENT. MINIMUM TERM OF 25 YEARS BEFORE ELIGIBLE FOR PAROLE