

IN THE SENIOUR COURTS OF BELIZE
CENTRAL SESSION – CITY OF BELMOPAN, CAYO DISTRICT
IN THE HIGH COURTS OF JUSTICE

Indictment No. C76 of 2022

Between:

The King

and

[1] **Saudy Landero**

Defendant

Appearances:

Ms. Natasha Mohamed, counsel for the King.

Mr. Arthur Saldivar, counsel for the Defendant.

Dates:

Trial Dates:	2023:	October 3 10 November 28 December 14
	2024:	January 24 February 1, 16 March 13 April 12
Judgment Date:	2024:	September 24 Plead guilty to Causing Death by Careless Conduct
Sentencing Date:	2024:	October 15

DECISION ON SENTENCING

[1] **CUMBERBATCH, HON. MR. FRANCIS M.; J:** The convicted man was indicted by the Director of Public Prosecutions for the offence of Causing Death by Careless

Conduct contrary to the provisions of section 108(2)¹ of the Criminal Code CAP 101 of the Substantive Laws of Belize (Revised Edition) 2020 for that he on the 8 day of April 2021, at Santa Familia Village in the Cayo District, caused the death of Keiana Cruz (the Deceased) by his careless driving of a Chevy S-10 pick-up truck bearing licence plate number CYC 40818.

- [2] On the 24 September 2024, the convicted man entered a plea of guilty to the indictment aforesaid and the court proceeded to hold a sentencing hearing to determine what would be an appropriate sentence herein.

The Agreed Facts

- [3] On the 8 April 2021, at about 4:30 p.m., Saudy Landero, was driving a Chevy S-10 pick-up truck bearing licence plate number CYC-40818, on Church Street in Santa Familia Village, Cayo District. He was driving on the right-hand side of the street. At the said time, Keianna Cruz and her younger brother were walking on the left-hand side of the said street heading towards their home.
- [4] Saudy Landero, lost control of the said motor vehicle which caused the motor vehicle to cross over to the left lane and hit both Keianna Cruz and her younger brother.
- [5] Keianna Cruz was transported to the San Ignacio Community Hospital where she was pronounced dead by Dr. David Pacheco.

¹ CAP 101 of the Substantive Laws of Belize Revised Edition 2020 section 108(2)
(2) Every person who causes the death of another by any careless conduct not amounting to negligence, as defined in this Code, commits an offence and is liable to imprisonment for two years.

[6] On the 13 April 2021, Dr. Loyden Ken conducted a postmortem examination on the body of Keianna Cruz, and he formed the opinion that the direct cause of death was due to multiple blunt force traumatic injuries as a consequence of road traffic accident.

[7] On the 9 April 2021, Saudy Landero was charged for causing the death of Keianna Cruz. He was indicted for Manslaughter by Negligence on the 26 September 2022. On the 24 September 2024, the Crown filed a new indictment reducing the charge to Causing Death by Careless Conduct, to which Saudy Landero pled guilty.

The Hearing

[8] The convicted man addressed the court and offered his apologies and condolences to the relatives of the Deceased who were present in court. He stressed the fact that he had no intention to cause the death of the Deceased and that he accidentally lost control of his vehicle which caused him to collide with the Deceased and her brother who were walking along the other side of the road.

[9] Defence Counsel, informed the court that the convicted man was not under the influence of alcohol at the time of the accident and that the vehicle was fully insured. He is 31 years old and is self-employed as a building contractor. Defence Counsel conceded that though the accident was not as a result of the convicted man being under the influence of alcohol, he nevertheless drove at a high rate of speed which caused him to lose control of his vehicle with fateful consequences.

[10] Crown Counsel, confirmed that the family of the Deceased had received damages from the convicted man's insurance for the injuries suffered by the brother of the

Deceased and for loss of expectation of life and funeral expenses of the Deceased.

Sentence

[11] The court took into consideration the early guilty plea entered by the convicted man which had absolved the family of the Deceased from having to testify in court and in so doing recall the horrific experience of the loss of the Deceased. Another mitigating factor was the fact that the convicted man's vehicle was covered by an insurance policy in force at the time of this fateful incident. The court also considered the remorse expressed and the hitherto clean criminal record of the convicted man.

[12] Accordingly, the convicted man is fined the sum of \$5000.00 to be paid in twelve monthly instalments of \$400.00 and one instalment of \$200.00 commencing on the 1 day of November 2024 and continuing on the first day of business of each and every month until payment is completed in full. In the event of the convicted man's failure to pay the said fine in the manner aforesaid he shall serve a period of imprisonment of nine months.

Hon. Mr. F M Cumberbatch

Justice of the High Courts