IN THE COURT OF APPEAL OF THE CAYMAN ISLANDS

CICA (Crim) No 007/2012
Ind 0026/2009
C#2109/2009

BEFORE

Rt Hon Sir John Chadwick, President
Hon Abdulai Conteh, Justice of Appeal
Rt Hon Sir Anthony Campbell, Justice of Appeal

ON APPEAL FROM THE GRAND COURT

BETWEEN

PAUL RICARDO GORDON

Appellant

and

THE QUEEN

Respondent

Mr. N Hoffman (Priestleys) appeared for the Applicant
The Director of Public Prosecutions appeared for the Crown

Hearing: 30 March 2012

Judgment delivered: 1st August 2012

JUDGMENT

Sir John Chadwick, President:

1. On 1 July 2009 the appellant, Paul Ricardo Gordon, was charged with the murder of Sherman Alvin Bodden. The offence was said to have been committed on 9 March 2009. On 21 September 2009 the Crown accepted a plea of guilty to the offence of

manslaughter by reason of provocation. On 28 September 2009 the appellant was sentenced by the Chief Justice to a term of 11 years imprisonment. He applied to this Court for permission to appeal from that sentence. He asked the Court to extend time for his proposed appeal.

2. After hearing argument, we gave permission to appeal and we extended time for that purpose. We did so in the circumstances that we were satisfied that it was in the interests of justice for this appeal to be heard; and that the delay in bringing it before this Court was to be explained by the apparent loss of contact between the appellant and counsel who had represented him in the Grand Court and who was named in the legal aid certificate which had been granted on 18 March 2010 to enable an appeal against sentence to be pursued.

3. The circumstances in which the offence was committed were described by the Chief Justice in his Reasons for Sentence:

> "On your version of events, you were provoked by Bodden having first punched you to the mouth when you encountered each other at the home of Ms. Marsha Smith at 3 Prince Link Close in Savannah Meadows, Grand Cayman.
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> The circumstances under which this encounter took place were fraught with potential for conflict as it appears that your relationship which you had with Ms. Smith, though estranged, had not yet been completely severed, even while Sherman Bodden may have been led to believe it was and was invited into the house by Ms. Smith, with you already being present and likely to have seen Sherman Bodden's presence as intrusive. I am asked by your counsel to view the fatal argument which ensued as an inevitable consequence of that unfortunate encounter.
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> Although Ms. Smith, as well as her helper, Ms. Joy Plummer, were both present in the house when the incident occurred, neither was in a position to see who struck the first blow. The prosecution is therefore not able to refute your account in that regard. Moreover, the forensic evidence in the case, photographs taken of you and a medical examination shortly after the incident, reveal that you had suffered trauma to the mouth consistent with having been struck by the deceased, as you allege. It is therefore that element of provocation arising under the fraught circumstances of the encounter between yourself and the deceased that allows this Court to accept the plea reducing the offence from one of murder to manslaughter. It is therefore on that basis that the sentencing must proceed."

4. The Chief Justice went on to observe that, although Ms. Joy Plummer had not seen who had struck the first blow, she had witnessed the actual stabbing of the deceased by

the applicant; and that her account was largely consistent with the post mortem examination. She had seen the appellant produce a ratchet knife which he had used to stab the deceased several times to the front of his body. And she had seen the appellant stab the deceased in his back while he was on the floor; and kick him, saying "Take that, boy". It was accepted that the deceased had been unarmed. The post mortem examination confirmed that the deceased had died of multiple stab wounds: he had suffered five stab wounds to the chest and one to the back.

5. The appellant had remained on the scene until the police arrived; and made a full confession, which included the words "I stabbed him and he's dead". The Chief Justice accepted that the appellant had shown real remorse on the tragic death of the deceased. But he went on to say this:

> "It is clear from the circumstances that your reaction to the confrontation with the deceased was driven not so much by fear of being hurt by him, but more out of anger at his presence in what you regarded still to be your home. You believed the deceased to have become involved in a relationship with Ms. Smith and the anger and brutality which you displayed in stabbing the deceased six times and in kicking him, even after he had been fatally injured, is explicable only as being the manifestation of your jealous rage. Your reaction was vicious and excessive, excessively out of proportion to anything said or done by the deceased, and cannot in any sense be excused by having been engaged in a fistfight."

6. The Chief Justice observed that unlawful killings of this nature were all too prevalent. It was necessary for the Court to mark the severity of the offence by the sentence which it imposed. He went on:

> "Sentences imposed in the past for this kind of offence where the unlawful killing has resulted from provocation show that the starting point is 15 years' imprisonment. Reductions from that starting point have been allowed where there has been a genuine expression of remorse accompanying a plea of guilty, the previous good character of a defendant, and any other mitigation factors. Here the evidence is that you are an honest, hard working and diligent person, indeed, at your workplace – beyond the call of duty. Ms. Smith, however, reports previous incidents when you displayed anger and violence towards her, indicating a short temper."

He accepted that there were the mitigating factors of remorse and an early admission of guilt; but he did not accept the submission made by counsel then representing the appellant that the provocation had been severe. As he pointed out, a degree of restraint, even after the knife had been brandished, might well have avoided the

infliction of the injuries which were the cause of the deceased's death. He reminded himself that he was bound to sentence on the basis that the appellant had been provoked; but he concluded that, having regard to all the circumstances that he had set out, the appropriate sentence was 11 years.

7. In this Court the appellant has been represented by Mr Hoffman, who did not represent him before the Chief Justice. His principle challenge was to the proposition that 15 years was the appropriate starting point for offences of this nature on conviction after a trial. He accepted that, in taking that view, the Chief Justice was adopting guidance which he, himself, had given in *R v Thomas* (2 August 2000, noted at [2000] CILR Note 17). But he argued that it was necessary for this Court to review that guidance in the light of subsequent decisions of the Court of Appeal of England and Wales to which he referred us.

8. In *Thomas* the accused had pleaded guilty to killing his partner in a fit of jealous rage when he discovered that she had been unfaithful. He had no previous convictions or history of violence and character witnesses described him as law abiding, hard working and conscientious. He expressed great remorse for what he had done. He was sentenced to 10 years imprisonment. In the course of his sentencing remarks the Chief Justice observed that there were no cases in this jurisdiction which set an appropriate range of sentence. He referred to the English cases which had been cited to him – and, in particular, to *R v Light* (1995) 16 Cr App R (S) 42 – which, as he said, indicated an average tariff of 7 to 8 years for the manslaughter of a spouse when provoked. He said that he found that "somewhat puzzling and of questionable validity here" and that he was "unable to discern from the cases . . . the genesis of the thinking which settled upon that tariff of 7 – 8 years for such cases in the first place". He went on:

> "In fulfilling its public duty of deterrence, I think that this Court is bound to observe that domestic violence is a prevalent and growing problem in this country. The seriousness of the physical abuse is often exacerbated, not ameliorated, by the fact that it takes place in a domestic context.
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> The fact of the domestic relationship can be no basis for the Court concluding that people who are in it are likely to be more prone to violence when provoked; whatever the cause of the provocation. While it is only human to be deeply hurt by betrayal and deception which sadly happens all too often in domestic relationships; there can be no acceptance of a response which invokes the use of violence, let alone deadly violence.
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> When that response is the result of genuine provocation such as I accept resulted from the betrayal and deception of the defendant in this case, those

> are factors which will reduce the sentence that would otherwise be appropriate in a case of manslaughter. I do not accept that those are factors which from the outset must define domestic killing as belonging to a special category or which the settled tariff must be 7 – 8 years.
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> Nor must the sentence be assessed in a vacuum which shuts out consideration of other serious offences of bodily harm.
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> This Court must consider what the effect would be of adopting a tariff of 7 – 8 years upon an already established range of sentences of similar duration for serious bodily injury which does not result in death. It follows that the starting point must be significantly higher than in such cases.
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> I can see no good reason for not adopting a starting point similar to that of other offences of manslaughter which would involve an average sentence of 15 years; having regard to sentence imposed by this Court in recent years."

9. Some two and a half years later, in *Attorney General's References Nos 74 of 2002, 95 of 2002 and 118 of 2002 (Daren Anthony Suratan, Leslie Humes, Mark Paul Wilkinson)* [2002] EWCA Crim 2982, [2003] 2 Cr App R (S) 42 ("*Suratan")* the Court of Appeal of England and Wales had the opportunity to consider the approach of the Courts in that jurisdiction to sentencing in cases of manslaughter of a spouse or partner by reason of provocation. Of the three cases before the Court, Suratan was convicted of manslaughter after a trial and sentenced to three and a half years imprisonment. That was not a provocation case. Humes had pleaded guilty to manslaughter by reason of provocation and Wilkinson had pleaded not guilty to murder but contended that he should be found guilty of manslaughter by reason of provocation or on the grounds of diminished responsibility. The jury found him not guilty of murder but guilty of manslaughter. It was accepted that they must have done so on the basis of provocation. Humes was sentenced to seven years imprisonment and Wilkinson to four years imprisonment. The Court of Appeal declined to interfere with those sentences.

10. It is pertinent to note the Crown's concern, set at paragraph 9 in the judgment of the Court, that the sentencing range in cases of manslaughter by reason of provocation arising from the betrayal by a domestic partner (put by the Crown at between five and seven years, citing *R v Light*) was too low and ought to be raised. Three reasons were advanced: (i) that, as society advances, possessiveness and jealousy are no longer acceptable reasons for loss of self control leading to homicide; (ii) that the manner in which juries were to be directed following the decision of the House of Lords in *Smith (Morgan) v R* [2001] 1 AC 146 had increased the availability of the defence of provocation; and (iii) that the present level of sentencing did not stand comparison

with levels adopted for other serious offences. Those concerns have an obvious resonance with the concerns expressed by the Chief Justice in *R v Thomas* and in the present case.

11. In the course of addressing the third of those concerns, the Court of Appeal said this ([2002] EWCA Crim [23] to [29]):

> "[23] In our view it is important to remember that the provisions of s. 3 of the Homicide Act 1957, as interpreted by authority including the House of Lords in *Smith,* mean that when sentencing an offender who is not guilty of murder but guilty of manslaughter by reason of provocation, the judge must make certain assumptions in the offender's favour.
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> [24] First, he must assume that the offender had, at the time of the killing, lost his self-control. Mere loss of temper or jealous rage is not sufficient.
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> [25] Second, he must assume that the offender was caused to lose his self–control by things said or done, normally and as in the cases with which we are concerned, by the person whom he has killed.
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> [26] Third, he must assume that the defendant's loss of control was reasonable in all the circumstances, even bearing in mind that people are expected to exercise reasonable control over their emotions, and that as society advances it ought to call for a higher measure of self-control.
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> [27] Fourth, he must assume that the circumstances were such as to make the loss of self-control sufficiently excusable to reduce the gravity of the defendant's offence from murder to manslaughter.
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> [28] Moreover, the sentencing judge must make these assumptions whether the defendant has been found not guilty of murder but guilty of manslaughter by reason provocation by a jury after a contested trial, or the Crown has accepted a plea of not guilty of murder but guilty of manslaughter by reason of provocation.
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> [29] It is not legitimate to criticize as lenient, let alone unduly lenient, a sentence which has been imposed for manslaughter by reason of provocation, by mounting arguments or pointing to circumstances which ignore or underplay the fact that the offender had lost his self-control at the time of the killing, and suggesting that he was, for instance, merely in a jealous rage with his victim, or that his loss of self-control was unreasonable, or that there was no real degree of legitimate excuse for what he did. To do so is to suggest that the offender was guilty of murder rather than guilty of manslaughter by reason of provocation, and the judge cannot properly sentence the offender on such a basis."

At paragraph [31] the Court of Appeal observed that the considerations which they had set out might seem to lead to the conclusion that the present level of sentencing was, if anything, higher than it ought to be. "After all . . ." it said ". . . the offender must be treated as if he had a reasonable excuse for what he did". But it pointed out

that that problem had been exposed and answered by Lord Justice Shaw in *R v Bancroft* (1981) 3 Cr App R (S) 119, 120, when he explained that the justification for passing a sentence of imprisonment in such cases was the recognition that "there is still in every human being a residual capacity for self-control, which the exigencies of a given situation may call for"; so there was still left some degree of culpability, notwithstanding that the jury had found (or the Crown had accepted) circumstances sufficient to reduce the charge from murder to manslaughter by reason of provocation.

12. The Court of Appeal referred (*ibid*, [34]) to the need, in certain types of case -for example, cases of death by dangerous driving or assaults by person carrying knifes – for the courts to impose sentences which were intended to have a deterrent effect on others. While recognizing that there could be cases of manslaughter by reason of provocation in which a deterrent sentence might be appropriate, the Court cautioned against accepting any general principle of deterrence. They said this:

> ". . .we are dealing with cases of uncharacteristic and unpremeditated violence, and in the provocation cases where there has been loss of control which has reduced the offence to one of manslaughter. We do not accept that in all such cases a deterrent sentence is necessary, or that the sentencing judge is to be regarded as unduly lenient if he concludes that the circumstances of the case do not require it."

13. In November 2005 the Sentencing Guidelines Council issued a guideline, applicable in Courts in England and Wales, in relation to manslaughter by reason of provocation. It pointed out that, before the issue of provocation can be considered, the Crown must have proved beyond reasonable doubt that all the elements of murder were present including the necessary intent (i.e. the offender must have intended to kill the victim or to cause grievous bodily harm). The court must then consider section 3 of the Homicide Act 1957. That section is in these terms:

> Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man."

The guideline went on to explain that, although both murder and manslaughter result

in death, the difference in the level of culpability creates offences of a distinctly different character; and that the approach to sentencing in each should start from a different basis.

14. In Part B of the guideline (Establishing the Basis for Sentencing) the Council set out the assumptions that a judge must make in favour of an offender found not guilty of murder but guilty of manslaughter by reason of provocation. It took those assumptions from paragraphs [24] to [28] of the judgment of the Court of Appeal in *Suratan* which have been set out above. It observed that:

    > "The same general sentencing principles should apply in all cases of manslaughter by reason of provocation irrespective of whether or not the killing takes place in a domestic context."

15. At Part C of the guideline (Factors Influencing Sentence) the Council listed the elements which should be considered and balanced by the sentencer. Foremost amongst those was the degree of provocation: "An assessment of the *degree* of the provocation as shown by its nature and duration is the critical factor in the sentencing decision". It concluded that there will usually be less culpability when the retaliation to provocation is sudden. It observed that post-offence behavior was relevant to the sentence: immediate and genuine remorse might be demonstrated by the summoning of medical assistance, remaining at the scene and co-operation with the authorities; concealment or attempts to dispose of evidence or dismemberment of the body might aggravate the offence. At Part D (Sentence Ranges and Starting Points) the Council emphasised, again, that the key factor, relevant in every case, was the nature and duration of the provocation. It advised a three stage approach to the determination of the appropriate sentence: first, identify the sentence range by reference to the degree of provocation; second, adjust the starting point within the range by reference to the length of time over which the provocation took place; and, third, take into consideration the circumstances of the killing (e.g the length of time that had elapsed between the provocation and the retaliation and the circumstances in which any weapon was used). On the basis of that three stage approach the Council indicated that an appropriate sentencing range in a case where there had been a low degree of provocation would be between 10 years and life; with a starting point of 12 years where the low degree of provocation had occurred over a short period. A sentence range of 4 to 9 years would be appropriate in cases where there had been a substantial

degree of provocation. A sentencing range below 4 years was reserved for cases where the degree of provocation had been high. Sentences within those ranges were appropriate where the offender had been convicted after a trial: the sentencer should consider a discount from the sentence that would otherwise be passed to reflect co-operation and a guilty plea.

16. This Court was referred to a number of decisions of the Court of Appeal of England and Wales which post-dated the Sentencing Guideline Council's guideline. In *R v Courtney Daly* [2008] EWCA Crim 679, [2008] 2 Cr App R (S) 95, the Court of Appeal reduced a sentence of 9 years detention in a youth detention institution, imposed after a trial on a charge of murder at which he was convicted of manslaughter by reason of provocation, to one of 8 years. The Court accepted that that was a case involving a substantial degree of provocation which, under the Sentencing Guidelines Council's guideline would indicate a sentencing range of four to nine years, with a starting point of eight years in respect of an adult offender. But it observed (at paragraph [14] in the judgment) that there were two qualifications to be placed on the application of the guideline in the case before it. First, that guidelines are not to be treated setting fixed or rigid boundaries. Second, that – while taking account of the youth of the offender (who was aged 17 years at the time of the offence) - it was necessary to have in mind that "it is young men of this sort of age who are very frequently carrying the knives about which there is such heightened, and in our view justifiable, public concern". The Court said this (at paragraph [15]):

> "[15] We do accept, having regard to the guideline, the youth and good character of the appellant and all the points made on his behalf, that the sentence of nine years detention in a young offender institution was too high. But in our judgment it would be wrong, particularly in the light of the public concern to which we have just referred, to substitute a sentence lower than one of eight year's detention in a young offender institution."

17. In *R v James William Thornley* [2011] EWCA Crim 153, [2011] 2 Cr App R (S) 62, the Court of Appeal – again, in a case where, after a trial for murder in which the jury had failed to reach a verdict, the offender's plea of guilty to manslaughter by reason of provocation had been accepted - reduced the sentence of 16 years imposed in the court below to 12 years. That was a case where there were substantial aggravating factors; as Lord Judge, Lord Chief Justice, explained at paragraph [18] of his judgment. It is also clear that the offender was given no discount for his guilty plea; coming, as it did, after

a trial.

18. In *Attorney General's Reference No 8 of 2011 (Ronald Edwards)* [2011] EWCA Crim 1461, the Court of Appeal increased to 7 ½ years a sentence of 5 years imposed by the judge following a trial at which the offender had been acquitted of murder but convicted (on his own admission) of manslaughter by reason of provocation. The judge had treated the case as one in which there was a low degree of provocation, which had persisted for many months. That would have put the case within the sentencing range of 10 years to life; but the judge indicated that, but for the early stage at which the offender had offered to plead guilty to a charge of manslaughter by reason of provocation, he would have imposed a sentence of 8 years.

19. The Court of Appeal referred to "the greater recognition", in more recent cases, that the significance of loss of life (reflected in the approach prescribed by schedule 21 to the Criminal Justice Act 2003) should inform sentences imposed in respect of manslaughter; including cases involving lack of intent, diminished responsibility and provocation. It referred to the observation of Lord Judge, Lord Chief Justice, in *Thornley,* that:

> "It is clear to us from the developments analysed by Calvert-Smith J that the use of a knife, even in cases of manslaughter by provocation shall now be regarded as a more significant feature of aggravation than it was when the guideline was published. In the end everything depends upon the individual circumstances of each case: why and how the knife came to be picked up and eventually used."

And it went on to say this:

> "Turning to the facts of this case, although we recognise the impact of prolonged, albeit low level provocation, it cannot be gainsaid that the deceased did not present a threat of any sort to the offender who could have left the house and then sought some other way of resolving the continuing tension that existed between him and the deceased. While we entirely accept that he did not bring the knife to the scene . . . he did take it from the kitchen and followed the deceased into the nearby study; his actions albeit spontaneous were not instantaneous. . . . For every offence of violence, the use of any weapon (in particular, a knife) will always be an aggravating feature and will serve to increase sentence.
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> In the circumstances, we agree with Mr Brown that the learned judge did not adequately bear these aggravating features in mind and, additionally, allowed too much credit for the guilty plea which was not formally entered at the first reasonable opportunity. Making every allowance for the offender's remorse, his offer to plead guilty to manslaughter and the personal circumstances of which Mr Fitzgibbon so eloquently spoke and

> which are also contained in the letter from the offender placed before the court, in our judgment this sentence was clearly unduly lenient. After a trial, the sentence could not have been less than 10 years and the least sentence that can now be imposed on this reference is 7½ years. That is the change to the sentence which we now impose and, to that extent, this reference succeeds."

20. From this review of the decisions of the Court of Appeal in England and Wales which post-date the Sentencing Guidelines Council's guideline, issued in 2005, this Court concludes that, in cases of manslaughter involving the use of a knife where the degree of provocation is low, occurring over a short period, the appropriate starting point, after a trial, in that jurisdiction, is not more than 12 years (and, perhaps, a little less) within a sentencing range of 10 years to life.

21. A starting point of 12 years, in a case of this nature, is substantially lower than the starting point of 15 years adopted by the Chief Justice in *R v Thomas.* We recognize that both the Chief Justice (in *R v Thomas*) and Justice Sanderson (in *R v Bernard* [2002] CILR 446 and in *R v Moncrief* [2003] CILR 20 – neither of which were cases of manslaughter by reason of provocation) have expressed the view that, given what they perceived to be the special circumstances prevailing in this jurisdiction, there was little assistance to be found in decisions in England and Wales. But those views were expressed either before, or (in the case of *Moncrief*) without reference to, the powerful analysis of the principles which is set out in *Suratan;* and before the endorsement of those principles by the Sentencing Guidelines Council and the subsequent decisions of the Court of Appeal. We accept Mr Hoffman's submission that it is necessary for this Court to review the proposition that a sentence of 15 years, in a case of this nature, is an appropriate starting point.

22. In our view, the Chief Justice – who did not, of course, have the benefit of the analysis of the Court of Appeal of England and Wales in *Suratan* when he reached his conclusion in *Thomas* as to the appropriate starting point – must now be seen to have been led into error in four respects. First, he was wrong to state (at page 3, line 4 of the transcript) that "Provocation is no excuse for what you did". This, as the Court of Appeal pointed out in *Suratan,*, was to ignore the basis on which the plea of manslaughter by reason of provocation had been accepted by the Crown and by the Court: if the offender had no excuse for what he did, he should have been tried on a charge of murder and, if convicted, sentenced for that crime. Second, whatever may

have been the position before *Suratan,* it is now clear that (contrary to what the Chief Justice had been led to think in *Thomas* – at page 3, lines 20-21, and page 4, lines 16-18, of the transcript) the taking of life after provocation in a domestic context is not to be treated in England and Wales as being in a special category, distinct from other cases of manslaughter by reason of provocation. Third, he was wrong to overstate (transcript, page 4, lines 5-8) the need for deterrent sentences; which could serve little purpose in cases of this nature. And, fourth, he was wrong to place emphasis on a comparison between sentences for manslaughter by reason of provocation and other offences of serious bodily injury not resulting in death (transcript, page 4, line 21, to page 5, line 2). As the Court of Appeal explained in *Suratan*, there is no true analogy in the culpability of the offender - and so no true analogy in the approach to sentencing - in cases in which provocation, resulting in legally justifiable loss of self-control, exists and cases of intent in which it does not.

23. We have taken into account what are said to be the special circumstances prevailing in this jurisdiction. In our view, those circumstances do not provide sufficient reason for the Courts of the Cayman Islands to differ so substantially from the approach set out by the Sentencing Guidelines Council in the United Kingdom. We are satisfied that, in a case of manslaughter by reason of provocation involving the use of a knife, where the degree of provocation is low and has occurred only over a short period, the appropriate starting point, after a trial, in this jurisdiction also, is 12 years within a sentencing range of 10 years to life.

24. The Chief Justice was plainly correct to identify the aggravating factors in this case: in particular the carrying of a knife (which the appellant used), and the ferocity of the attack which continued even after the deceased was on the ground. He was correct, also, to identify the mitigating factors: the genuine remorse – demonstrated by the applicant remaining at the scene, co-operating with the authorities and his immediate acceptance of responsibility for the killing – and the testimony of character witnesses to his honesty, hard work and diligence. Nevertheless, we see force in counsel's submission on behalf of the appellant that the Chief Justice may not have given the appellant sufficient (or any) credit for his contention that he did not seek confrontation with the deceased. He was visiting the house which had been his home to retrieve some property; and, as he contends, was seeking to leave, in order to avoid confrontation

with the deceased when he was struck by a blow to the mouth. The Chief Justice made no finding on that issue; and, in the absence of a finding or an agreed statement of facts) he should have given the appellant the benefit of the doubt. Balancing the mitigating factors (including that to which we have just referred) against the undoubted aggravating factors should, we think, have led to a conclusion that, in this case, the appropriate starting point (before taking account of the guilty plea) was nearer to 11 years than to 12 years.

25. The Chief Justice gave a discount of 4 years off his starting point of 15 years – that is to say, a discount of a little over 25%) – to reflect the guilty plea. There is no criticism of that discount; and it accords with the approach of the Court of Appeal in *Edwards*. Adopting the same approach, we think an appropriate sentence in all the circumstances of this case would have been 8 years imprisonment.

26. Accordingly we allow the appeal against sentence, set aside the sentence of 11 years imposed by the Chief Justice and, in substitution for that sentence, impose a sentence of 8 years imprisonment. Time already served in prison is to be taken into account.

Chadwick P

Conteh JA

Campbell JA