

**IN THE SUPREME COURT OF BELIZE, A.D. 2019  
CRIMINAL JURISDICTION**

**SOUTHERN DISTRICT – STANN CREEK**

**CASE No. RE20190018C**

**THE QUEEN**

**V**

**CHADWICK DEBRIDE**

**BEFORE:** Hon. Justice Mr. Francis M. Cumberbatch

**APPEARANCES:** Ms Jacqueline Willoughby, Counsel for the Crown  
Ms. Illiana Swift, Counsel for the Respondent

**RESENTENCING DATE:** 6<sup>th</sup> May, 2019

**JUDGMENT ON SENTENCING**

[1] The convicted man was convicted for murder on the 5<sup>th</sup> day of June, 2007, after a fully contested jury trial before the Supreme Court. He was sentenced by the learned trial judge to life imprisonment. His appeal against the conviction was heard by the Court of Appeal which dismissed same on the 12<sup>th</sup> day of July, 2012. The Court of Appeal also affirmed his conviction and sentence of life imprisonment.

[2] On the 29<sup>th</sup> day of March, 2018, the Caribbean Court of Justice (“CCJ”) made the following ruling in *Gregory August & Alwin Gibb v R CCJ APPEAL NOS BZCR2015/001 and BZCR2015/002*:

*“1. In order to comply with the CCJ ruling in Gregory August & Alwin Gabb v R CCJ APPEAL NOS. BZCR2015/001 and BZCR2015/002, all persons sentenced to life imprisonment must have their sentences reviewed so as to address the issue of a “judicially determined sentence” and the possibility of parole. It is stated at paragraph 126:*

*“[126] Since the sentences of these persons have been vacated by this judgment, as a practical interim measure, we order that all such persons must remain incarcerated until, in relation to his or her case, respectively, a sentencing hearing is completed. In the event, that the sentencing judge should decide that a fit sentence is one of life imprisonment, then the judge shall stipulate a minimum period which the offender shall serve before becoming eligible for parole, or for a consideration of whether the prisoner has become eligible for parole. We would not expect that exercise to be rushed, but the entire exercise should be completed within a reasonable time.*

*For the avoidance of doubt, a similar reasoning is to be applied to any person sentenced under the new regime to a mandatory life sentence for murder.”*

[3] The Criminal Code as a consequence of the foregoing was amended as follows:

*“106 (1) Subject to subsection (2), a person commits murder shall be liable, having regard to the circumstances of the case, to:*

*(a) Suffer death; or*

*(b) Imprisonment for life.*

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

*(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 and 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.”*

## **The Facts**

[4] The facts as gleaned from the decision of the Court of Appeal in this matter aforesaid are as follows. On the 24<sup>th</sup> day of December, 2004, during early morning sometime after 10:00 a.m. and in broad daylight, Nedi Reymundo (“the Deceased”) who at that time was a young police officer was shot in the face in the region of his right side eyebrow by the convicted man on West Canal Street in Belize City. In the early morning hours of Boxing Day the convicted man was arrested and detained by the police in connection with this offence. He was later charged with murder. The convicted man was identified as the shooter by the identifying witness. He was observed to be wearing a stocking on his head but it did not conceal his face. He was also armed with a firearm.

## **The Hearing**

[5] In keeping with the ruling of the CCJ aforesaid the Court conducted a hearing for the resentencing of the convicted man. The Court received written submissions from Crown Counsel and Defence Counsel. Included therewith were copies of relevant authorities and legislation on which they

relied. The Court also received a report on the convicted man's conduct whilst an inmate at the Kolbe Foundation, Central Prison of Belize.

- [6] The Court was also in receipt of a psychiatric evaluation of the convicted man from Dr. Torres, a psychiatrist, but regrettably the social inquiry report ordered was not provided. The psychiatric report revealed that there were no signs of any psychosis observed during the examination. Moreover, neither he nor any members of his family have had a history of psychiatric illness. The convicted man was allowed to address the Court during which he expressed his remorse to the members of the family of the Deceased.

### **The Law**

- [7] A convenient starting point would be to examine the classical principles of sentencing, namely: retribution, deterrence, prevention, and rehabilitation. They were laid down by Lawson LJ in the celebrated case of *R v James Henry Sergeant 1974 60 Cr. App. R. 74*. in that decision Lawson LJ stated that *“any judge who comes to sentence ought always to have those four classical principles in mind and to apply them to the facts of the case to see which of them has the greatest importance in the case with which he is dealing.”*

### **Retribution**

- [8] The facts herein reveal that the murder of the Deceased was carried out execution style. The Court of Appeal rubbished the notion that this was a robbery gone badly, as Sosa P opined at paragraph 35 of the judgment of the Court of Appeal, the Deceased was wearing a thick gold chain at the time of

the shooting and after he fell to the ground the chain was still on him. Moreover, no attempt was made by the convicted man to relieve him of his personal effects.

[9] However, the Court cannot ignore the fact that the Deceased was a police officer and the fact that he may not have been in uniform when he was shot does not make him any less a policeman.

[10] The Court is not unaware of the upsurge in homicides and other serious crimes of violence involving the use of a firearm within this jurisdiction. Accordingly, the Court must show its abhorrence for this type of offence committed in the manner in which it was done herein by the sentence it imposes.

### **Deterrence**

[11] This principle is one for specific and general application. It is specific to the convicted man to deter him from reoffending in like manner upon his release from custody and of general application to those members of the wider public who contemplate committing this or some similar offence. Here again the Court must impose a suitable sentence to deter this convicted man and others from committing crimes of violence especially those involving the use of firearms.

## **Prevention**

[12] This principle is applicable to those who persist in high rates of criminality. This convicted man is not a first offender and admits to three previous convictions for (1) mischievous acts, 1998; (2) three counts of escape from lawful custody, 1999; and (3) burglary in 2000 for which he was sentenced to a period of imprisonment of three years. He was discharged from prison in August 2002 and committed this murder two years later.

[13] There is no evidence before me that the commission of these previous offences involved acts of violence, however, he seems to have not benefited from the proverbial sound of the shutting iron cell door as within a relatively short period of time after his release from prison for burglary he commits murder.

## **Rehabilitation**

[14] The preparation of the offender for his reintegration to the society as a law-abiding citizen is of utmost importance. The Court is aware that the convicted man has engaged himself in programs whilst an inmate at the Kolbe Foundation. However, the convicted man has committed several infractions over the years which, though not serious, cause him not to be

considered a model prisoner and one who is committed to rehabilitate himself.

[15] During his address to the Court the convicted man appears to have accepted the enormity of what he has done and expressed remorse. He spoke of the impact of what he has done on the family of the Deceased and his own family. He sought mercy from the Court.

[16] I have duly considered the evidence and submissions by Counsel. I have also applied the principles of law set out aforesaid. I find the following to be the aggravating and mitigating factors herein.

[17] **Mitigating Factors**

- i. The violations of the convicted man's constitutional rights;
- ii. The remorse expressed;
- iii. The previous convictions do not relate to acts of violence.
- iv. The programs pursued by the convicted man in aid of his rehabilitation.

[18] **Aggravating Factors**

- i. The killing of the Deceased in the manner in which it was done;
- ii. The killing was planned and premeditated;
- iii. The Deceased was a police officer;
- iv. The use of a firearm to kill the Deceased on a busy city street

without consideration of the possibility of injuring other members of the public;

- v. The effect of this homicide on the family members of the Deceased as disclosed in the victim impact statements.

[19] In the course of applying the provisions of Section 106 of the Criminal Code aforesaid, I find it useful and instructive for me to consider the applicable legal principles enunciated by Rawlins J.A. [Ag.] (as he then was) in *The Queen and Mervin Moise* Criminal Appeal No. 8 of 2003.

“18. *It is a mandatory requirement in murder cases for a Judge to take into account the personal and individual circumstances of the convicted person. The Judge must also take into account the nature and gravity of the offence; the character and record of the convicted person; the factors that might have influenced the conduct that caused the murder; the design and execution of the offence, and the possibility of reform and social re-adaptation of the convicted person ... .. the sentencing Judge is fixed with a very onerous duty to pay due regard to all of these factors.*

19. *In summary, the sentencing Judge is required to consider, fully, two fundamental factors. On the one hand, the Judge must consider the facts and circumstances that surround the commission of the offence. On the other hand, the Judge must consider the character and record of the convicted person. The Judge may accord greater importance to the circumstances, which relate to the commission of the offence. However, the*

*relative importance of these two factors may vary according to the overall circumstances of each case.”*

[21] I have carefully analysed and balanced the aggravating and mitigating factors found herein and in so doing I have applied the classical principles of sentencing as enunciated by Lawson LJ in the case of ***R v Sergeant*** aforesaid. I have considered the *dictum* of Rawlins JA(as he then was) in the case of ***The Queen v Mervin Moise*** aforesaid and have applied same to the circumstances of the case at Bar. In the circumstances, I find that the aggravating factors significantly outweigh the mitigating factors.

[22] I accept that the convicted man has suffered constitutional violations. These are that he was the recipient of an unconstitutional sentence and that he has had to wait for some nine years before he was afforded an opportunity to mitigate his sentence. I also find that the delay in bringing this matter to a stage of finality to be another breach of his constitutional right to a trial within a reasonable time. These matters warrant an appropriate reduction in sentence. I have also taken into consideration the other mitigating factors in the convicted man's favour.

## **Sentence**

[23] This is undoubtedly a very serious case of murder for which the convicted man must be appropriately punished. The convicted man by his conduct

evinced total disregard for those who represent law and order in this nation. Having regard to the circumstances of this case the Court finds that it ought to give more regard to the killing of a police officer execution style on the public roadway by the convicted man than to his personal circumstances. What makes it more egregious is that this offence was committed during the height of the Christmas season at a time when the streets are busy with persons involved in last minute Christmas shopping, hence, there was the likelihood of other innocent members of the public whom were exposed to danger associated with the discharge of a loaded firearm in public.

[24] The convicted man is not a first offender and he committed this offence approximately two years after his release from prison after serving a sentence for burglary. In the words of Lawson LJ in *R v Sergeant* aforesaid “... society, through the Courts, must show its abhorrence of particular types of crime, and the only way the Courts can show this is by the sentences they pass.”

[25] In *R v Howells (1999) 1 all er 50- 54* Lord Bingham CJ as he then was opined, thus;

“Courts should always bear in mind that criminal sentences are in almost every case intended to protect the public, whether by punishing the offender or reforming him, or deterring him and others, or all of these things. Courts cannot and should not be unmindful of the

*important public dimension of criminal sentencing and the importance of maintaining public confidence in the sentencing system.”*

[26] I find the *dicta* aforesaid highly persuasive having regard to the fact that this case involves the killing of a police officer execution style. Accordingly, the convicted man is sentenced to life imprisonment with eligibility for parole to be considered after he has served a period of 30 years imprisonment with effect from the 28<sup>th</sup> day of December, 2007.

Dated this **Monday 6<sup>th</sup> day of May, 2019.**

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Honourable Justice Mr. Francis M. Cumberbatch  
Justice of the Supreme Court