

BARBADOS

**CRIMINAL DIVISION**

**Indictment No: 38 of 2012**

**The Queen vs. Lorenzo Jason Jordan**

**SENTENCING REMARKS**

**Lorenzo Jason Jordan,**

[1] **Background:** On Tuesday, September 11<sup>th</sup>, 2012 you were arraigned and pleaded not guilty to the murder on 14<sup>th</sup>, May, 2006 of Rudolph Adolphus Taylor.

[2] Following the empanelment of the jury and at the start of your trial on Wednesday, September 12<sup>th</sup>, 2012 you were re-arraigned and pleaded not guilty to murder but guilty to manslaughter.

[3] **Basis on which the plea was accepted:** Your plea was accepted by the Director of Public Prosecutions, who appeared for the Crown. The learned Director explained that the plea was accepted on the following basis:

*“... We were prepared to proceed with this matter on the count of murder, but the evidence does disclose that it was originally a plan to rob. They went armed to execute a robbery by taking the knife, the cord and the duct tape all of which were recovered by the police. In the circumstances, he has opted to plead guilty to manslaughter and he has pleaded guilty to manslaughter and I have accepted it, because based on the amendments to the law in 1994, if you originally intend to rob and death results in the course of the robbery, the law is that you the Judge must direct the jury on manslaughter and although a jury properly directed may come to the conclusion that it could be murder, a jury properly directed ... would be obliged to consider manslaughter and could equally come to that conclusion.”*

[6] **The Facts:** The facts and circumstances surrounding the bizarre manner in which the unfortunate victim, Mr. Rudolph Adolphus Taylor met his death at the hands of yourself and a female companion in the early morning hours of Sunday, May 14<sup>th</sup>, 2006 were outlined by the learned Director and were accepted by Defence Counsel, Mr. Marlon Gordon on September 12<sup>th</sup>, 2012 following your “guilty plea”.

[7] The Director told the Court that at around 4:15 am on Sunday, May 14<sup>th</sup>, 2006, after visiting a number of south coast night-clubs, you and your girlfriend Miss. Richelle Adams proceeded across the bridge to the taxi-stand in the area of the Treasury Building in the City. After waking Mr. Taylor, who was asleep in his taxi, you arranged with him to take you to St. Philip. According to the Director, you had both left home armed with duct tape, cord and a knife and equipment to effect a robbery. As part of your pre-arranged plan, you sat in the back seat of the taxi, while Miss. Adams sat in the front passenger seat next to Mr. Taylor.

[8] When Mr. Taylor’s taxi reached St. Philip, you put your dastardly plan into action. You used the cord you were carrying to choke him, whilst Miss. Adams sought to immobilize the car by putting it in park and pulling up the handbrake. Mr. Taylor put up strenuous resistance and grabbed at Miss. Adams who used the knife she was carrying to repeatedly stab him in his arm, neck and even on his face as he bravely resisted your joint attempt to rob him.

[9] After receiving multiple stab-wounds at the hands of your companion who was at the time a 17-year old Lodge School student, the taxi came to a stop. Miss. Adams got out of the vehicle ran around to the driver’s side and opened the driver’s door, causing Mr. Taylor to fall out of the car. You then decided to move the car. However, since Mr. Taylor’s feet were under the car, you pulled his feet away from the car and drove off.

[10] After about 5 minutes, you drove back to the scene (according to you) to see what his condition was, but as the car cleared the corner, Mr. Taylor lunged at the front left side of the car and was struck by the car.

[11] Leaving Mr. Taylor motionless at the scene, you and Miss. Adams then drove off in Mr. Taylor's taxi to the nearby home of your friend, Jamal Bryan, where you used the bathroom, requested bleach, cleaned up as best you could and obtained a change of clothing.

[12] Following police investigations, you were apprehended later the same day and gave police a self-written confession statement which was read into evidence and which has also been considered by the Court.

[13] The Court was informed that you have no criminal record and that this is your first offence.

[14] **The Pre-Sentence Report:** As requested by Defence Counsel, Mr. Gordon and for purposes of the *Penal System Reform Act, Cap. 139*, a Pre-sentence Report was obtained and was read into evidence by Probation Officer, Miss. Diana Goodridge on October 24<sup>th</sup>, 2012 and has been reviewed by the Court.

The report has shed some light on your family, educational and social background, your education and employment history and your current attitude to the offence.

The Court observes that you are now 28 years, having been born on October 3<sup>rd</sup>, 1984. As this offence took place on May 14<sup>th</sup>, 2006, this means that you would have been 21 years old at the time of the offence.

[15] The Court also notes that you squandered the opportunity which you had of attending one of the island's top secondary schools and ultimately, failed to achieve your academic potential leaving school at age 17 without any certificates and having completed only third form.

[16] Since leaving school you have worked at various places of employment and have pursued a carpentry course and a course in diesel mechanics. Your work experience includes working as a porter and a storeroom assistant. Just prior to your remand, you assisted your step-father within his vehicle maintenance business.

[17] Your step-father and your mother are both of the view that your involvement in the robbery was more than likely motivated by the desire for money and material things. There was no suggestion in the report of your having a drug dependency or being involved in drug use.

[18] **Observations:** It is now for this Court to determine what is the appropriate sentence to be imposed upon you in this matter having regard to its judicial obligations under sections 35 to 41 of the *Penal System Reform Act, Cap. 139*.

[19] **Reasons for imposing Custodial Sentences - Section 35(4):** As required by section 35(4) of the *Penal System Reform Act* and after considering the outline of facts and manner in which this offence was committed, together with the Pre-sentence Reports the Court has formed the opinion that subsection (2)(a) applies and that this offence is so serious that only a custodial sentence should be passed in this case for the following reasons.

[20] The Court determined the seriousness of the manslaughter offence in this case having regard to the following factors:

- 1) The Court was satisfied that Mr. Taylor met his death during the course of a joint enterprise in which you and your female companion, Rachelle Adams, set out to commit the unlawful act of robbery;
- 2) The Court is satisfied that while you and your companion may not have deliberately set out to kill Mr. Taylor or to cause him serious bodily harm, the unlawful act of robbery was pre-meditated to the extent that even though you were out night-clubbing on the night in question, you and your companion left home armed with duct tape, cord, a knife and equipment looking for the opportune time to attack and rob a taxi-driver, any taxi-driver. In this regard, the Court is also satisfied that the unsuspecting Mr. Taylor simply found himself in the wrong place at the wrong time;

- 3) The Court found that the seriousness of the offence was also aggravated by the fact that in pursuance of your pre-arranged plan to rob him, the victim of your attack was rendered helpless by the cord which you had placed around his neck in order to choke him in furtherance of the plan to rob;
- 4) The Court also found that the offence was seriously aggravated by the use of a knife and by the fact that the knife was used by your companion to inflict multiple stab wounds on Mr. Taylor at a time when you were choking him from behind with the cord you had placed around his neck. In this regard, the Court does not accept Mr. Gordon's invitation to find that you played a lesser role in the attack on Mr. Taylor and accordingly deserving of a lesser sentence than Miss. Adams simply because you were not holding the knife. The facts disclose that you both left home with duct tape, cord, the knife and other equipment for use in a robbery. Mr. Taylor suffered multiple stab-wounds to his upper body, which were inflicted by Miss. Adams while you held the victim helplessly immobilized by the cord which you were holding around his neck from behind.
- 5) The Court found that the offence was also aggravated by the fact that although you clearly witnessed the knife attack on Mr. Taylor from beginning to end, you did absolutely nothing to stop Miss. Adams from stabbing him multiple times with the knife which she had in her possession. Your written confession clearly shows that you saw her take up the knife and begin to stab Mr. Taylor in his left shoulder. While you could not say how many times he was stabbed, you saw him let go of her and saw her get out of the car. In short, the Court is satisfied that it was your action, in continually choking the victim with the cord which you had placed around his neck which facilitated, Miss. Adams' prolonged knife attack on Mr. Taylor. Simply put, the Court finds that although you may not have held the knife, you are equally culpable for causing his death;
- 6) The Court also found that the offence was further aggravated by the fact that, having first attacked and stabbed Mr. Taylor and driven off in his vehicle, you returned to the

scene of the crime shortly afterwards and after accidentally hitting the injured victim with his own car, you callously drove away once again, leaving him motionless in the road where his dead body was later discovered by a passer-by on his way to work. [N.B. While the Court accepts that you were, as Mr. Gordon suggested, doubtless acting out of panic, the Court is nonetheless disturbed by the fact that thinking only of yourself, you selfishly sought to cover up your crime, leaving your victim for dead in the road. That you did not seek to make an anonymous call to the police or to seek assistance for Mr. Taylor showed a callous and reckless disregard for human life and in the Court's view greatly aggravated the seriousness of this offence.

- 7) The Court also found that the offence was aggravated by the fact that it was committed against a taxi-driver, an unsuspecting but vulnerable member of the public who was rendering public service by providing transportation in the graveyard shift – those early morning hours when the majority of the country is asleep. In this regard, the Court has wholeheartedly endorsed the observations of the Barbados Court of Appeal in **Kurt Skeete, DPP's reference No. 1 of 2003**. Accordingly, the Court is satisfied that “...*taxi drivers and public service vehicle drivers generally, are a class of persons who render important and valuable service in this Island. They must be able to earn their living in the transportation sector free from the fear of marauding youths bent on violence. This Court has a duty to protect the public as far as it can from the wanton violence perpetrated by some of our young people.*”

[21] In summary, the Court is satisfied that this was a serious case of manslaughter with numerous aggravating factors and no mitigating circumstances. The Court was also satisfied that your conduct as the offender took the offence beyond the threshold for non-custodial punishment and into the realm of custodial punishment.

[22] The Court was further of the opinion that this was a violent offence involving an attack on a taxi-driver, who as the Court has already observed, falls into a particularly vulnerable class of worker rendering important and valuable public service in this Island.

[23] Your conduct during the commission of the offence as reflected in the aggravating factors outlined earlier, was particularly reprehensible. Additionally, the offence was one which gave rise to much public concern and outrage. Taxi drivers and the drivers of public service vehicle drivers must be able to earn their living in the transportation sector free from the fear of marauding youths bent on violence.

[24] The Court has adverted to section 6 of the Offences Against the Persons Act, Cap. 144 which stipulates that the permitted maximum custodial sentence which may be imposed on any person convicted of manslaughter is imprisonment for life.

[25] However, as is clear from the manslaughter guidelines established by the Barbados Court of Appeal in *Pierre Lorde*, the statutory penalty of imprisonment for life is to be reserved only for the most serious manslaughter offences.

[26] In issuing its manslaughter guidelines in *Pierre Lorde*, in 2006, the Barbados Court of Appeal stressed that the guidelines were “*not to be construed as putting sentencers in a kind of straight jacket or fettering in any way the judicial discretion which must remain at the heart of the sentencing process.*”

[27] In the 2011 Barbados Court of Appeal decision of *Curtis Joel Foster, (DPP’s Reference No 1 of 2010, unreported decision of 11 February, 2011) Peter Williams JA* observed that the guidelines in *Pierre Lorde* are now well established and are routinely followed. He suggested that it is helpful to consider the 4 guidelines in *Pierre Lorde* on a sliding scale of 1 to 4, with 1 being reserved for the most serious offences and 4 for the least serious.

[28] Against the foregoing background, I am satisfied that the task which lies before me in my role as sentencer in this matter, is to seek as far as possible to position this case within the appropriate *Pierre Lorde* guideline while at the same time complying with the procedures set out in the Penal System Reform Act.

[29] During the course of legal submissions, Defence Counsel, Mr. Gordon submitted that the case fell within Guideline 3 of *Pierre Lorde* and suggested that a sentence of 10 years would be appropriate, having regard to the aggravating and mitigating factors of the offender as well as of the offence itself.

[30] For his part, the learned Director of Public Prosecutions submitted that the case was a special and exceptional one which fell outside the 4 *Pierre Lorde* Guidelines and suggested that the Court use a starting point of 18 years. He also suggested that a sentence of no less than 13 years was appropriate given the Mr. Jordan's participation in the offence.

[31] Having regard to your early guilty plea and keeping Guideline 3 of *Pierre Lorde* firmly in mind, the Court was cognizant that the suggested range of sentence should ordinarily have been somewhere in the range of 10-14 years. However, the Court was firmly of the view that this is a case where the need for deterrence must be reflected in the sentence passed by the Court, and where a longer sentence than otherwise might be the case must be imposed for this violent and reprehensible crime. The Court was satisfied that the relevant portion of Guideline 3 as currently framed is woefully inadequate to enable the Court to do justice in this case. In the circumstances, doing the best that it can do within the existing *Pierre Lorde* Guidelines which may be in need of revision, the Court in the exercise of its sentencing discretion, established 20 years as the appropriate starting point for determining the length of your sentence.

[32] **Length of the Custodial Sentences- Section 36:** Having considered the gravity of the offence and the necessity for deterrence and established the appropriate starting point, the Court was also mindful of the general judicial guidelines set forth in section 41(2) of the Act, which require, *inter alia*, that the gravity of the punishment must be commensurate with the gravity of the offence. The Court next turned to section 36 of the *Penal System Reform Act* and considered the issue of proportionality with a view to determining what length of sentence would be appropriate to do justice in this case.

[33] Focusing next on you as the offender, the Court then took into account the factors which, in the view of the Court, have reduced the seriousness of the offence and reflect a level of



personal mitigation of you as the offender. These were, firstly, your guilty plea and in this regard, a discount of 15% or 3 years was allowed.

[34] An appropriate discount was also allowed to take account of: (ii) your relatively young age at the time of commission of the offence; (iii) your hitherto clean record; (iv) the fact that you cooperated with the police investigations; and (v) the remorse you have expressed for your actions and for your failure to seek medical assistance for the victim after realizing the seriousness of the situation.

[35] **Time spent on Remand:** According to Prison Officer Joyce Lokey, as at October 24<sup>th</sup>, 2012 you have spent a total of 2,354 days on remand awaiting the trial and final disposition of this matter. To this period the Court had added the additional 16 days which have elapsed since October 24<sup>th</sup>, 2012 up to today's date.

In keeping with the CCJ decision in **Romeo Hall**, you will be given full credit for the 2,370 days [i.e. 6 years 6 months] you have spent on remand to date awaiting your trial and the final final disposition of this matter.

[36] **Order of the Court:** *Lorenzo Jason Jordan*, you are hereby sentenced to a term of imprisonment of 16 years for this offence to commence with immediate effect. From this sentence and in keeping with the CCJ decision in **Romeo Hall**, there will be deducted, the full period of 6 years and 6 months which you have to date spent on remand since May 16<sup>th</sup>, 2006 awaiting final resolution of the matter. In the result, you will be required to serve the additional 9 years and 6 months in custody for this offence.

[37] This is the order of the Court.

**Maureen Crane-Scott**  
**Judge of the High Court**  
**2012-11-09**