

1 February 16th March 2012

2 (Court adjourns: 3:02 p.m.)

3 (Court resumes: 3:51 p.m.)

4 THE CLERK: Indictment No. 1 of 2010,  
5 R. v. Yuri Fidel Agard. Case continues.

6 THE COURT: Please stand, Mr. Agard.

7 Counsel, you will forgive me if during the sentence I  
8 have to pause for a while, I'm not feeling 100 percent.

9 MR. THORNE, Q.C.: Very well, sir.

10 SENTENCE:

11 THE COURT: Yuri Fidel Agard, you were arraigned in  
12 this court on an indictment containing two counts of murder.  
13 The particulars of the offence on the 1st count, are that,  
14 you, Yuri Fidel Agard on the 26th day of March 2006, in the  
15 parish of St. Michael, in this Island, murdered  
16 Justin Greene.

17 With respect to the second count of murder, the  
18 particulars of the offence are that, you, Yuri Fidel Agard  
19 on the 26th day of March 2006, in the parish of St. Michael,  
20 in this Island, murdered William Greene.

21 On the completion of your trial on the 29th day of  
22 November 2011, a jury of your peers found you guilty of  
23 manslaughter in respect of both counts on the indictment.  
24 The offence of manslaughter is a very serious one and a  
25 penalty provided for by section 6 of the Offences Against

1 the Person Act of Barbados is life imprisonment.

2 Manslaughter involves the death of a human being like  
3 yourself, who had a constitutional right to life. In this  
4 case, there were two brothers.

5 In terms of imposing sentence upon you, I have to bear  
6 in mind the provisions of the Penal System Reform Act of  
7 Barbados. It provides the framework within which any  
8 sentencing Court must balance the need to protect the public  
9 against the need to consider rehabilitation of offenders  
10 like yourself. Within that context, I have to bear in mind  
11 that whatever sentence is imposed upon you in respect of  
12 these offences, you will at some point in time have to be  
13 reintegrated into this society.

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1           Section 41 of the Penal System Reform Act provides  
2 that:

3                   "41. (1) Without prejudice to sections 33 to  
4                   40, a court in sentencing an offender convicted by  
5                   or before the court shall observe the general  
6                   guidelines set forth in this section.

7                               (2) Those guidelines are as follows:

8                                       1. The rehabilitation of the offender is  
9                                       one of the aims of sentencing, except  
10                                      where the penalty is death."

11           That penalty is not applicable in this case.

12           Secondly:

13                               "2. The gravity of a punishment must be  
14                               commensurate with the gravity of the  
15                               offence."

16           Thirdly:

17                               "3. An offender must not be sentenced  
18                               except for an offence of which the  
19                               offender has been convicted or for  
20                               another offence or other offences which  
21                               the offender has asked the court to take  
22                               into consideration in passing sentence."

23           You are before me for sentencing in respect of two  
24           counts only, which I have already mentioned. The provisions  
25           of the Penal System Reform Act are designed to create a  
          culture of individualised sentencing based upon the  
          principles of proportionality and by virtue of  
          section 35(2). It is provided that:

1                   "(2) ...the court shall not pass a custodial  
2 sentence on the offender unless it is of opinion.

3                   (b) where the offence is a violent or sexual  
4 offence, that only such a sentence would  
be adequate to protect the public from  
serious harm from the offender."

5           Section 35(2) provides:

6                   "(2) ...the court shall not pass a custodial  
7 sentence on the offender unless it is of opinion.

8                   (a) that the offence, or the combination of  
9 the offence and one other offence  
10 associated with the offence, was so serious  
that only such a sentence can be justified  
for the offence;"

11           It is in context of my obligations under the Penal  
12 System Reform Act that I just briefly reflect on the facts  
13 in this case, they are already part of the record. In the  
14 evidence of Fabian Adamson he said that on the 25th day of  
15 March 2006, Justin and William Greene who was the cousin of  
16 Fabian Adamson and one Orlando Inniss, left their homes at  
17 the parish of St. Joseph to go to carnival at the UWI, the  
18 University of the West Indies, they eventually ended up at a  
19 place called Le Club, situated at Cavans Lane in Bridgetown.

20           Adamson saw a gentleman behind his cousin William  
21 whilst in the club partying. That gentleman was flaring off  
22 his hands cursing and arguing. He spoke to his cousin, that  
23 is Adamson, and they continued partying. The three cousins  
24 exited the club on the morning of 26th March 2006, whilst  
25 Orlando remained behind. They were pelted with bottles by

1 some young men who were arguing; one of the young men who  
2 was inside the club arguing before, and another. One of the  
3 cousins ran in one direction and Adamson was attacked. He  
4 got the knife away from his attacker and the attacker ran  
5 across the swing bridge. The other man ran after Justin and  
6 William. Justin ran across the road and stumbled by the  
7 No. 1 Record Shop.

8 When Adamson went to assist him he was bleeding and  
9 gasping for air. Other persons tried to assist Justin. The  
10 ambulance came and he was taken to the Queen Elizabeth  
11 Hospital. Adamson's attention was drawn to another person  
12 who turned out to be William, also known as Ron. He also  
13 was injured and was groaning. He was placed in an ambulance  
14 and taken to the Queen Elizabeth Hospital, Adamson  
15 accompanied him. According to Adamson, neither himself,  
16 Justin William or Orlando had a weapon when they left home.  
17 They were searched at Le Club and no weapons were  
18 discovered.

19 In the evidence of Llewelyn Holder, one young man was  
20 surrounded by a group of men brandishing various implements,  
21 namely, a rock, the size of a grapefruit, a broomstick with  
22 a point, a desk leg, amongst other things, and he was poked  
23 and beaten about his body. Another young man went in to  
24 extricate that young man from his predicament and he too was  
25 beaten about his body. Holder said that neither of these

1 young men was armed.

2 The bodies of William and Justin Greene were examined  
3 by Dr. Byer at the Queen Elizabeth Hospital and both were  
4 pronounced dead on arrival on the 26th day of March 2006.  
5 The post-mortem examination conducted by Dr. Stephen Jones  
6 found considerable injuries on the bodies of the two young  
7 men. With respect to Justin, the doctor attributed death to  
8 multiple stab wounds to the chest with hemorrhage and shock;  
9 and, with respect to William, death was a result of stab  
10 wounds to the abdomen and chest, with hemorrhage and shock.  
11 The force the doctor opined would at most be moderate. He  
12 said that the injuries were consistent with an object with  
13 at least one sharp edge such as a knife and the degree of  
14 force used could be moderate at most, as I already said.

15 I've already adverted to the evidence of  
16 Llewelyn Holder, who noted that neither of these two young  
17 men who he observed was armed. In your oral statement to  
18 the police officers, you stated that you were defending  
19 yourself after you took a knife from a man who wanted to  
20 stab you. You also said, "I was attacked by two men who  
21 were fighting with Chad and I stab them with a knife. I get  
22 'way from one of them. I was defending myself." In the  
23 written statement attributed to you by Inspector Rowe, you  
24 said, "We came out..." meaning of the club, "...and a group  
25 of men attacked Chad. I asked what happen and a man shout,

1 'Wait you with he?' That man rushed at me with a knife in  
2 his hand. We started to scuffle and I got the knife away  
3 from him. I stabbed at the man twice and I know he got  
4 juck. He fell on me and I pushed him off. He held on to  
5 his chest and then I saw a second man rushing at me. He had  
6 a knife as well and I stabbed at him with the knife. I had  
7 to defend myself. I was under the influence of alcohol at  
8 the time."

9 It is unnecessary to go through your entire defence.  
10 Suffice it to say, that you denied making the oral and  
11 written statements and said you had nothing to do with the  
12 deaths of William and Justin Greene. The point I wish to  
13 make is that the issue of self-defence was left to the jury.  
14 They also had the benefit of your unsworn statement. It is  
15 clear that the jury held you responsible for these two  
16 deaths. The courts of this country, especially the Court of  
17 Appeal, have repeatedly expressed concern at the growing  
18 levels of violence and violent deaths in this small country.  
19 It cannot be denied that the manner of death of these two  
20 young men, two brothers, was abhorrent to civilised  
21 standards of behaviour and that only a custodial sentence  
22 will suffice.

23 I cannot agree with the submission of Mrs. Comissiong,  
24 in fact, I strongly disagree, that community service is an  
25 option, since, as she said, in her words, you are not a

1 menace to society. There is also some contradiction in  
2 counsel's submissions, since at an earlier point in her  
3 submission, she suggested, "My submission, sir, is if you  
4 look at the sentences which have been imposed by these  
5 courts for manslaughter," it's a disjunctive quote, "which  
6 have mitigating circumstances as in this case, the sentence  
7 should not exceed, if I may be bold enough to say, or should  
8 reflect what transpired in all other sentences. So a  
9 sentence should not be in excess of five years, if at all."

10 I've paid due regard to the pleas of mitigation from  
11 your counsel and the submission of the prosecutor Mr. Seale.  
12 On the one hand, Mrs. Comissiong points to those aspects of  
13 the pre-sentencing report in which your Math teacher  
14 expressed surprise at the predicament in which you found  
15 yourself. She pointed to the fact that you are not  
16 academically strong but had an interest in plumbing and  
17 animals. She also pointed to the view expressed by the  
18 writer of the report that Agard was forthcoming, cooperated  
19 and presented as a young man desirous of seeing his  
20 potential actualised.

21 Mr. Seale submitted that he was satisfied with the  
22 pre-sentencing report which reflected a young man abandoned  
23 by his father and who was left to be raised by his mother.  
24 However, he pointed to the fact that the two young men who  
25 have lost their lives and that nothing short of a custodial

1 sentence will suffice, since they will not have the  
2 opportunity to actualise their own potential. He posits  
3 that you ought to have kept away from bad company. He also  
4 said that all of the stab wounds were consistent with the  
5 size of the knife which was entered into evidence. Even if  
6 there was an issue of self-defence counsel suggests, that  
7 there was excessive force given the number of stabs which  
8 each deceased person received.

9 He went through the guidelines in the Pierre Lorde  
10 decision and suggested that there was no specific tariff to  
11 this type of killing. He further suggested that it was  
12 somewhere between guidelines 3 and 4. He opines that the  
13 sentence of the Court should be not less than 14 to  
14 20 years, which would be appropriate. In the pre-sentencing  
15 report, your teachers at the Alexandra School spoke well of  
16 you. They present a picture of a well-mannered respectful  
17 child, who once was unhappy with his self-image. The  
18 attentiveness of your mother to your schooling and general  
19 well-being is to be admired.

20 It is regrettable that your father who apparently comes  
21 from a higher socioeconomic bracket from your mother,  
22 abdicated his responsibility to you and even at this stage,  
23 has shown disinterest in commenting upon your situation. In  
24 the opinion of this Court, children need the support of both  
25 parents. You, however, have had the support of your

1 paternal grandfather, who played an active role in your  
2 formative years. Despite the positives in the report, there  
3 are, however, some negatives. You failed to grasp the  
4 benefit of the educational opportunities offered to you at  
5 one of the leading secondary schools in this Island. Even  
6 after leaving school your mother tried with you at the  
7 Barbados O'Level Institute, but to no avail. You also  
8 failed to heed your grandfather's warning of the  
9 consequences of playing truant and associating with negative  
10 peers. It is to your credit that you were gainfully  
11 employed by your uncle up until the date of this incident.

12 In terms of your attitude to the offence, the  
13 pre-sentencing report notes, "Mr. Agard stated that while he  
14 offers his condolences to the family and was sorry for the  
15 loss of life, he did not have anything to do with the deaths  
16 of Justin and William Greene." It is to your credit that  
17 there is no history of drug use or substance abuse. The  
18 pre-sentencing report paints a picture of a young man who  
19 had potential and a strong family support system in spite of  
20 your abandonment by your father. It also shows a young man  
21 who started to go wrong early, playing truant from school,  
22 associating with the wrong crowd and in respect of home,  
23 there was no professional intervention to determine what was  
24 going wrong.

25 There is no acceptance of responsibility for your

1 actions even now, but that is your right. You, however,  
2 cannot expect to derive maximum benefit from the guidelines  
3 in Pierre Lorde which characterise a genuine expression of  
4 remorse or contrition as one of the mitigating factors which  
5 a Court must bear in mind when sentencing an offender such  
6 as yourself.

7 I therefore now discuss the mitigating and aggravating  
8 factors in this case which I'm required to consider in  
9 imposing sentence upon you. Both counsel have ventured  
10 their opinions on these matters but I'm required to analyse  
11 the facts and discover these factors for myself. In this  
12 regard, the aggravating factors which I find relevant to the  
13 conviction for manslaughter, one, this is a situation where  
14 the accused pleaded not guilty to two counts of murder has  
15 been found guilty of manslaughter on both counts by a jury.  
16 That is not an aggravating factor in itself because you have  
17 a right to trial. The aggravating factors are with respect  
18 of planning or premeditation and I'm saying there appears  
19 not to have been any plan by you to commit these offences,  
20 neither is there any evidence of premeditation. So I wish  
21 to make the point abundantly clear, counsel, that I do not  
22 consider the fact that he embarked upon a trial as an  
23 aggravating factor. It is not.

24 Use of a firearm or dangerous weapon. A knife was used  
25 to inflict the fatal injuries on both deceased young men.

1 It is a flick knife, which is not an article of household  
2 use. If one has regard to the certificate of analysis which  
3 categorises it as a flick knife, the Court recognises that  
4 not all knives are offensive weapons but in the case of  
5 Simpson in 1983 1 WLR 1494, it was held that trial judges  
6 are entitled to take judicial notice of the fact that a  
7 flick knife is an offensive weapon per se.

8 Being armed with a weapon in advance. There is no  
9 evidence that you were armed with a weapon in advance.  
10 Though not part of the defence's submissions to the jury,  
11 the issue of self-defence was raised on the oral and written  
12 statements attributed to you by the police witnesses and the  
13 Court left that issue to the jury, as is its responsibility.  
14 It would appear that this issue was rejected by the jury.

15 However, I'm still required to take into account  
16 excessive force in self-defence as an aggravating factor,  
17 the injuries inflicted on both Justin and William Greene  
18 were many but the Court notes that Dr. Stephen Jones  
19 attributed death to the stab wounds with resulting  
20 hemorrhage and shock, and not to the other injuries which  
21 were found on and about the bodies of William and  
22 Justin Greene.

23 I also consider the fact that these two deceased young  
24 men were encircled and beaten, to be an aggravating factor.  
25 I must point out that you are being sentenced for your role

1 in the deaths of Justin and William Greene and not for the  
2 role played by any other person.

3 The mitigating factors relating to the offence, it  
4 would appear that these killings were spontaneous and not  
5 premeditated.

6 Secondly, there is no by evidence of provocation of the  
7 convicted man by either of the deceased young men.

8 Thirdly, there is some evidence of self-defence, even  
9 if it was rejected by the jury. As previously stated, it  
10 arose and was left to the jury.

11 The mitigating factors relating to the offender,  
12 yourself, you are now 23 years old, having been born on the  
13 31st day of March 1988. You will be 24 years old this  
14 month. At the time of commission of these offences you  
15 would have been 17 years old, just five days short of your  
16 18th birthday.

17 Clear evidence of remorse or contrition. As I have  
18 said, you offered condolences to the family and have said to  
19 the probation officer that you were sorry for the loss of  
20 life, but maintained that you did not have anything to do  
21 with the deaths of these two young men. Your counsel  
22 Mrs. Comissiong has urged upon the Court that, "He has  
23 expressed his own personal remorse because any life loss can  
24 never be brought back but he had indicated to the officer  
25 and also in the dock, that he did not commit that murder or

1 murders." I do not agree with counsel's submission.  
2 Remorse is defined in the 10th Edition of the Concise Oxford  
3 Dictionary as deep regret or guilt for wrong committed.  
4 Contrition is defined in the same dictionary as a state of  
5 feeling contrite and contrite is defined as feeling or  
6 expressing remorse.

7 Remorse connotes that you are sorry for your wrongful  
8 act. It includes an acknowledgment of wrongdoing; that is  
9 absent from your statement to the Probation Officers.

10 A timely plea of guilty. This is clearly not  
11 applicable since there was a full trial as a result of which  
12 you have been found guilty of these offences of  
13 manslaughter. I recognise that in the case of Pierre Lorde  
14 No. 11 of 2003, the Court of Appeal makes a point that a  
15 guilty plea is a separate matter from aggravation and  
16 mitigation.

17 Aggravating factors relating to the offender. You have  
18 no previous convictions. In relation to indifference to the  
19 offence, there is no evidence that you have shown any  
20 indifference to these offences.

21 I have paid due regard to the submissions of counsel  
22 for the prosecution and the plea of mitigation on your  
23 behalf by your counsel Mrs. Comissiong. I have also paid  
24 due regard to the evidence of your character witness. I  
25 have also paid due regard to the cases cited by counsel in

1 respect of the sentences imposed by courts in this island,  
2 for the offences of manslaughter. Having regard to the  
3 circumstances of this case and the fact that the other  
4 offences are offences of extreme violence, I'm of the  
5 opinion and I repeat, that only a custodial sentence would  
6 be appropriate.

7 In Criminal Appeal No. 19 and 20 of 2001, Romain Bend  
8 and Rodney Murray v. R., Chief Justice Simmons said,  
9 speaking for himself and the other members of the Court of  
10 Appeal:

11 "[24] We must say, however, that in the past  
12 decade, criminals in Barbados have become more  
13 dangerous, better organised and more sophisticated  
14 in the means used to commit offences. There has  
15 been also a trend towards the use of deadly or  
16 potential deadly weapons. And groups, near-groups  
or gangs have become attractive associations for  
some deviant youths. These phenomena are contrary  
to the cultural values and norms of this country  
and they threaten to undermine the cohesion and  
stability of the social fabric.

17 [25] Civil society must be protected and  
18 sentences by way of general deterrence must be  
19 used in appropriate cases to mark down our  
20 disapproval of behaviour such as was witnessed in  
this case. Courts must do all in their power to  
deter such behaviour."

21 In that case there was an argument between the deceased  
22 and the appellant Murray who were passengers on a bus  
23 travelling to St. James. Either the deceased or a friend of  
24 his threw a rock into the bus which struck Murray on the  
25 hand. Later Boyce, Joseph and Murray and Bend were on an

1 Alexandra School pasture. They left and took a bus heading  
2 for Weston, St. James. They disembarked at Weston where  
3 they saw the deceased, pursued him, they held him, and in  
4 the words of Chief Justice Simmons, "...beat him  
5 unmercifully with rocks and "2x4" planks of wood...in full  
6 view of residents of the area who begged the four men to  
7 stop beating the deceased." He later died from multiple  
8 injuries, including brain damage at the age of 22.

9 The appellant pleaded guilty to manslaughter. The  
10 court discounted the sentence by a quarter, starting at  
11 16 years and imposed a sentence of 12 years for the plea of  
12 guilty and the 12 years of imprisonment was imposed upon  
13 that convicted man.

14 Most of the cases cited by Mrs. Comissiong were  
15 condensed by the Court of Appeal in the decision in Pierre  
16 Lorde. With reference to the decision in Romeo Hall  
17 referred to by counsel in her mitigation, that was not a  
18 case of manslaughter as posited, but rather a case where the  
19 accused pleaded guilty to wounding with intent. The learned  
20 trial judge, says death was the outcome of the accused's  
21 actions, applied the Pierre Lorde guidelines but the CCJ did  
22 not disturb the application of those principles. Counsel  
23 also cited the case of Shamar Goddard and Henry No. 32 of  
24 2010. This was a grave case of manslaughter involving a  
25 firearm where two young men fired indiscriminately into a

1 crowd of persons who were involved in activities like  
2 plaiting each other's hair, chatting and talking and doing  
3 the things which young people do, according to the judge.

4 The learned trial judge in respect of Henry who she  
5 considered to be the instigator, started a period of  
6 imprisonment of 22 to 24 years and applied the discount for  
7 his age. He was 21 years old at the time. His cooperation  
8 with the police, the remorse which he expressed and the fact  
9 that there were two character witnesses. The period of  
10 remand of 1807 days awaiting trial and the final disposition  
11 of the matter were taken into account. He was sentenced to  
12 18 calendar years or 6570 days, to commence from the date of  
13 sentencing. With respect to Goddard, the learned trial  
14 judge started with a notional sentence of 22 years. She  
15 gave a discount for his age, 16 at the time, his plea of  
16 guilty, the fact that he had no previous convictions,  
17 cooperation with the police and the plea of mitigation by  
18 defence counsel and the remorse which he expressed for his  
19 actions. Taking into account the 1807 days he had spent on  
20 remand before trial and awaiting sentence, the learned trial  
21 judge imposed a sentence of 14 calendar years to start from  
22 the date of sentence. The learned trial judge was of the  
23 view that the case was, at its lowest, a very bad case of  
24 manslaughter involving the use of loaded firearms and one  
25 which bordered closely on murder.

1           The submission of Mrs. Comissiong that Shamar Goddard  
2 was sentenced to nine years imprisonment is there founded  
3 upon an erroneous understanding of the judge's decision. It  
4 is clear, however, that for grave cases of manslaughter, the  
5 courts in Barbados have imposed lengthy custodial sentences.  
6 Each case is different and the Penal System Reform Act  
7 requires the sentencer to use his discretion in terms of the  
8 concept of individualised sentencing. Each convicted man  
9 must be judged according to the mitigating and aggravating  
10 factors and against the factual matrix of the crime that he  
11 has committed.

12           I have looked in depth at Pierre Lorde Criminal Appeal  
13 No. 11 of 2003 and the guidelines therein set out.  
14 Guidelines 1 and 2 are inapplicable, as was submitted by  
15 counsel, Mr. Seale. Guideline 3 says:

16                   "3. In a contested trial where no firearm was  
17                   used and there are no mitigating circumstances,  
18                   the range of sentence should be 16 to 20 years.  
                  An early plea of guilty in this type of case will  
                  reduce the range of sentence to 10 to 14 years."

19 This is not directly on point. No firearm was used here and  
20 there are mitigating circumstances.

21           Guideline No. 4 says:

22                   "4. In a contested trial where no intrinsically  
23                   dangerous weapon was used and there are  
24                   mitigating features, the range of sentence  
                  should be 8 to 12 years. An early plea of  
                  guilty in this type of case may attract a  
                  sentence of less than 8 years."

25

1 This is also inapplicable, since a flick knife, a dangerous  
2 weapon was used to inflict these injuries.

3 This case involved a dangerous weapon. It also  
4 involved the death of two young men who were brothers in the  
5 prime of their lives. The mitigating circumstances have  
6 been outlined and a judge is required to use his discretion  
7 and common sense, you applying the guidelines of  
8 Pierre Lorde as a base for consideration of his sentence.

9 I have had due regard to the evidence of the character  
10 witness, the Reverend Wayne Kirton, a minister of religion.  
11 He spoke of having known you for all of your life, save and  
12 except those years when he was overseas studying. As a man  
13 from the area of Mason Hall Street and given his training,  
14 he understands youth who are in crisis. He knew you as a  
15 member of the James Street Methodist Church. This was as a  
16 result of your mother's influence. He has asked the court  
17 to extend leniency to you to enable you to make something  
18 positive of your life. In short, he asked the Court to have  
19 compassion on you. We believe that he, as a godfather and  
20 as a spiritual advisor will assist you in your  
21 rehabilitation and your reintegration into this society when  
22 your sentence is over. As I have already said, the Court  
23 must consider the rehabilitation of you, Mr. Agard, as a  
24 member of this society but we must also consider that this  
25 society is a small one and that manslaughter in these

1 circumstances, is a very grave offence.

2 Having regard to the guidelines and having regard to  
3 the aggravating and mitigating circumstances which I have  
4 outlined, I consider that an appropriate starting point for  
5 sentencing is 17 years in prison. Applying an appropriate  
6 discount for the mitigating factors above set out, and  
7 having regard to the plea of mitigation by your counsel and  
8 the evidence of your character witness, and the fact that it  
9 has taken so long between 2006 and 2011 for your case to  
10 come on, that you be given some credit for systemic failure.  
11 However, as I've said, there is no evidence of genuine  
12 contrition or remorse. I will therefore apply a discount of  
13 four years to the base figure which would leave us at  
14 13 years.

15 Having arrived at this notional sentence of 13 years,  
16 the evidence is that you were remanded in custody for  
17 1943 days up until today. This is five years, 118 days.  
18 Applying the principles in Romeo Hall and giving full  
19 discount for this period of remand of 1943 days, the  
20 sentence of this Court is seven years, 247 days in prison.  
21 This sentence will commence from today. That is the  
22 sentence of this Court.

23 That is the business?

24 MR. SEALE: As the Court pleases.

25 MR. THORNE, Q.C.: As the Court pleases.

1 THE COURT: Thank you, counsel.

2 Counsel, before you go, that sentence is in respect of  
3 the first count and also in respect of the second count;  
4 and, both sentences will run concurrently.

5 MR. THORNE, Q.C.: As the Court pleases.

6 THE COURT: Let that be clear.

7 MR. THORNE, Q.C.: Much obliged.

8 THE COURT: The sentence is in respect of each count  
9 and the two sentences will run concurrently commencing  
10 today.

11 MR. THORNE, Q.C.: Grateful for the clarification, sir.

12 MR. SEALE: As the Court pleases.

13 THE COURT: Thank you so very much, counsel.

14 The Court will now rise.

15 (Case concludes: 4:28 p.m.)

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