IN THE SUPREME COURT OF BELIZE, A.D. 2006

CLAIM NO. 339 OF 2006

ADOLPH HARRIS **Claimant**

BETWEEN **AND**

THE ATTORNEY GENERAL OF BELIZE **Defendant**

—

BEFORE the Honourable Abdulai Conteh, Chief Justice.

Mr. Edward Fitzgerald Q.C. with Mr. Simeon Sampson S.C. and Mrs. Antoinette Moore for the claimant.
Ms. Andrea McSweaney with Ms. Priscilla Banner for the defendant.

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JUDGMENT

Mr. Adolph Harris the claimant in these proceedings was, on the 21st February 1995, sentenced to death after his trial and conviction for the offence of murder by the Supreme Court. Briefly, his trial for the offence of murder stemmed from his shooting to death one Lavern Orosco following a confrontation between the latter and one Lolita Lynch, a girlfriend of Mr. Harris. It was alleged that he shot the deceased, Laverne Orosco, after he had been ordered by Lynch to do so. Ms. Lynch was tried separately from Mr. Harris and found guilty of manslaughter. However, the Court of Appeal allowed her appeal and she was released in 1996.

Mr. Harris' appeal was however dismissed by the Court of Appeal and his petition for special leave to appeal to the Judicial Committee of the Privy Council was dismissed in 1996.

2. Ultimately, Mr. Harris has resorted to this constitutional motion now before me. Three issues have been agitated by his application:

   i) the effect of the delay since his sentence on his constitutional right not to be subjected to torture, inhuman or degrading punishment or other treatment;

   ii) the alleged violation of his constitutional right by the imposition on him of the mandatory death sentence and

   iii) what remedies if any can be afforded him for the violation of his constitutional rights, whether life sentence or a determinate and fixed term of imprisonment.

First – impact of delay on death sentence

3. What is not in dispute is that since his conviction and sentence in 1995, Mr. Harris has so far, spent more than eleven years on death row, alternating between despair and hope. I say despair because it may be the lot of a condemned man that the rendezvous between him and the hangman will take place, while he is hopeful that the legal process, whether it is by way of a successful appeal or commutation of sentence by the Executive, (In this case the Governor General on the advice of the Belize Advisory Council) will prevent forevermore that fateful rendezvous.

4. It is in fact not disputed that Mr. Harris now holds the dubious distinction of being the longest on death row in Hattieville.

5. He now seeks by these proceedings from this court a declaration that his constitutional rights pursuant to section 7 of the Belize Constitution has been and is being violated. This section, the shortest section in Chapter II of the Constitution protecting fundamental rights and freedoms states:

> *"No person shall be subjected to torture or to inhuman or degrading punishment or other treatment."*

6. Since the seminal decision of the Privy Council in **Pratt v The Attorney General of Jamaica (1993) 43 WIR 340**; **(1994) A.C. 1**, it is now generally accepted that it is inhumane and cruel to execute a condemned person after five years since the sentence of death was imposed. This court has had occasion to consider and apply the **ratio** in **Pratt supra** in **Herman Mejia and Nicholas Guevara** (in Action No. 296 decided on 11th June 2001, unreported).

7. The import and effect of **Pratt** were recently stated by the Caribbean Court of Justice in its judgment in **Attorney General et al v Jeffrey Joseph and Lennox Boyce** delivered on 8th November 2006 (unreported but available on the Court's website:

http://www.caribbeancourtofjustice.org/judgments.html). In the joint judgment delivered by de la Bastide P. and Saunders J. the court stated:

"[45] Pratt v The Attorney General of Jamaica, a decision of the JCPC, delivered in 1993, had a seismic effect on capital jurisprudence in the Commonwealth Caribbean. The judgment consolidated the appeals of two convicted murderers from Jamaica, Earl Pratt and Ivan Morgan. The case concerned delay in the execution of persons on death row and the constitutional consequences of such delay. In overruling its own decision given ten years before in Riley v The Attorney General of Jamaica, an expanded seven-member panel of the JCPC unanimously held that, where execution was delayed for more than five years after sentence, there would be strong grounds for believing that execution after such delay infringed the Constitution's prohibition against inhuman or degrading punishment. In other words, if a convicted murderer were to be executed, he should be executed as soon as lawfully possible after sentence. To have him linger on death row indefinitely, not knowing what his ultimate fate would be, was constitutionally impermissible. A period of five years following sentence was established as a reasonable, though not by any means inflexible time-limit within which the entire post-sentence legal process should be completed and the execution carried out. If execution was not carried out within that time-frame, there was a strong likelihood that the court would regard the delay as amounting to inhuman treatment and commute the death sentence to one of life imprisonment. The JCPC arrived at the five-year standard by reasoning that an efficient justice system must be able to complete its entire

domestic appellate process within two years and that eighteen months could safely be set aside for applications to international bodies to which condemned prisoners might have rights of access.

[46] *The radical nature of the decision in Pratt, the suddenness with which it was sprung, the apparent stringency of the time-period stipulated, the unpreparedness of the authorities to cope in an orderly manner with the far-fetching consequences of the decision, all of these factors raised tremendous concern on the part of Governments and members of the public in the Caribbean. The decision caused disruption in national and regional justice systems. Its effect was that, in one fell swoop, all persons on death row for longer than five years were automatically entitled to have, and had, their sentences commuted to life imprisonment. In Jamaica there were 105 such prisoners, in Trinidad & Tobago 53, and in Barbados 9. Justice systems were required to make sharp adjustments to their routines. Some countries were compelled to place on indefinite hold on the hearing of all other appeals, both civil and criminal, in order to concentrate on those appeals that were in danger of running foul of the Pratt & Morgan guidelines.*

[47] *Now that the initial dislocation has generally abated, it must be acknowledged that prior to Pratt some States countenanced an unacceptably lax approach to the processing of their criminal appeals and a valuable consequence of the Pratt &*

Morgan decision is that it has forced justice systems in the Commonwealth Caribbean to deal with criminal appeals more efficiently and expeditiously. We respectfully endorse without reservation the proposition that the practice of keeping persons on death row for inordinate periods of tine, is unacceptable and infringes constitutional provisions that guarantee humane treatment. In this respect, Pratt has served as an important reminder to all that the Constitution affords even to persons under sentence of death, rights that must be respected and that the true measure of the value of those rights is not just how well they serve the law-abiding section of the community, but also, how they are applied to those for whom society feels little or no sympathy."

8. I respectfully endorse this pronouncement of the import and affect of **Pratt** even though Belize has yet to accede to the stream of the CCJ's jurisdiction as its final Court of Appeal in place of the Privy Council. I regret however to observe that the lessons of **Pratt** and its operation did not seem to have been appreciated in Belize and that this is so even after the decision of this court in **Herman Mejia supra** in June 2001. For some inexplicable reason Mr. Harris was overlooked or forgotten on death row, even well after all his appeals against his conviction and sentence had been exhausted. He deposes in paragraph 7 of his first affidavit of 30th June 2006, that in or about 1996, he together with other prisoners who had been sentenced to death, brought a number of different constitutional proceedings in connection with their death sentences. No progress seemed to have been made. The spectre of the

hangman's noose was left to hover over Mr. Harris' head as a result of the death sentence on him in 1995.

Also Mr. Harris from the record was not simply acquiescent with his lot. He bestirred himself and even from behind bars in prison he attempted to draw attention to his plight – see in particular, the affidavit of Mr. Saul Lehrfreund of 21st September 2006, exhibiting a letter Mr. Harris sent to various authorities, including the Belize Advisory Council, but evidently to no avail.

9. The plain, unadorned and unappetizing fact is that since his entanglement with the law in August 1993 when he was charged with murder and remanded until 1995, when he was convicted and sentenced to hang, he has been in prison. And from 21st February 1995 he has been on death row awaiting the frightful prospect of that sentence to be carried out or to have some respite by way of commutation of that sentence. In all, discounting the pre-conviction remand, Mr. Harris has since his death sentence on 21st February 1995, been on death row for over twice as long as the period the Privy Council stated in **Pratt** (five years) after which it would be cruel and inhumane to carry out the death sentence and contrary to the constitutional stipulation against such treatment or punishment.

10. Mr. Edward Fitzgerald Q.C., Mr. Harris' learned attorney therefore submitted that as things now stand, his constitutional rights under section 7 of the Constitution have been violated by his long incarceration with the death penalty hanging over him.

11. I am satisfied that on the line of authorities along the decision in **Pratt and Morgan**, his arguments and submissions are unassailable. I agree with him. By reason of the time that has

lapsed since the death sentence was passed on him, it is clearly now unarguable that Mr. Harris' constitutional right not to be subjected to cruel and inhuman treatment or punishment was and is being violated. It is no leap of the imagination or creative thinking to conclude that to have the prospect of the hangman's noose over a person's head for so long a period (over eleven years) is especially tortuous and inhuman punishment and treatment.

12. I can only therefore commend the candour of Ms. Andrea McSweaney, the attorney for the respondent who properly conceded on this important point. Indeed Ms. Priscilla Banner in her affidavit on behalf of the respondent at paragraph 5 readily conceded this point:

> *"5. Therefore, to the best of my knowledge, information and belief, the Defendant does not oppose the claimant's application for his death sentence to be quashed and for appropriate arrangements to be made for his re-sentencing as lawful punishment for the crime giving rise to his incarceration."*

13. Accordingly, I find and hold that in view of the rather long passage of time that has ensured since Mr. Harris had the death sentence imposed on him (over eleven years by the time of his present application), his rights provided for in section 7 of the Constitution have been violated. I therefore declare that it would now not be lawful to execute that sentence and it is accordingly quashed and set aside.

Second – The lawfulness or otherwise of the imposition of the death penalty in 1995

14. Mr. Harris was mandatorily sentenced to death on 21st February 1995, because the offence of murder (by shooting) of which he was convicted fall into Class A. This was the result of a 1994 amendment of section 102 which is now section 106 of the Criminal Code. Murders were then classified as either Class A or Class B. For the latter the trial Court was given discretion from imposing the death sentence. But in the case of Class A murders there was no discretion in the Court, on conviction the death sentence was mandatory. Subsection 3(b) of the amendment to section 102 made murder by shooting a Class A offence. It was because the murder for which Mr. Harris was convicted fell within subsection (3)(b) that the mandatory death sentence was imposed on him.

15. Mr. Fitzgerald Q.C. has now argued as well that that mandatory death sentence violated Mr. Harris' constitutional right contrary to section 7 of the Constitution.

16. There is no definition of what is "a mandatory death sentence". Indeed, the section of the Criminal Code dealing with the offence of murder contains no such definition. It is however generally taken to mean the absence of discretion in the sentencing Court. That is to say, on conviction the Court on sentencing, has no choice or discretion but to impose or exact the sentence stipulated, that is, death: hence the moniker "mandatory death sentence." It is this absence of choice or discretion in the sentencing court that has rendered the so-called mandatory death sentence susceptible to attack and challenge.

17. A notable feature of the Constitution of Belize is that perhaps unlike other national Constitutions in the Caribbean, no law or anything done under the authority of that law is immunized from challenge

after five years after independence. Section 21 of the Constitution provides a window of protection against challenging laws existing before independence and anything done under the authority of such laws. But it is only a window and a limited one at that. The section in terms provides:

> *"Nothing contained in any law in force immediately before Independence Day nor anything done under the authority of any such law shall, for a period of five years after Independence Day, be held to be inconsistent with or done in contravention of any of the provisions of this Chapter."* (That is, Chapter II of the Constitution providing for the Protection of Fundamental Rights and Freedoms).

18. Therefore in Belize today, some **twenty-five** after independence the window against constitutional challenge of pre-existing laws including the Criminal Code as irreconcilable with the Constitution, has long been closed. In other words, the sun has set on the protection against constitutional challenge to any law or anything done under the authority of any law (including the imposition of penalty under that law) as offending the protection offered in Chapter II of the Constitution.

19. Mr. Harris was convicted of murder by shooting in 1995 and the trial judge probably felt that he had no choice or discretion even, but to impose what he thought was the only penalty – the mandatory death penalty.

20. Against this mandatory death sentence Mr. Fitzgerald Q.C. has mounted a constitutional challenge, as being contrary to Mr. Harris'

right as provided in section 7 of the Constitution. He complained that Mr. Harris was subjected to a mandatory death penalty without any opportunity to advance mitigation before the judge imposed the sentence.

21. Again, I find the force of this argument irresistible on the authority of the Privy Council decision in **Reyes v The Queen (2002) A.C. 235**. This was a case not dissimilar from Mr. Harris' case in the method and means of the commission of the offence of murder, for which like here, a mandatory death sentence was imposed for murder by shooting. In quashing the sentence and remitting the case to Belize, the Privy Council said at p. 256, para. 43:

> *"The Board is however satisfied that the provision requiring sentence of death to be passed on the defendant on his conviction of murder by shooting subjected him to inhuman or degrading punishment or other treatment incompatible with his right under section 7 of the Constitution in that it required sentence of death to be passed and precluded any judicial consideration of the humanity of condemning him to death. The use of firearms by dangerous and aggressive criminals is an undoubted social evil and, so long as the death penalty is retained, there may well be murders by shooting which justify the ultimate penalty. But there will also be murders of quite a different character (for instance, murders arising from sudden quarrels within a family, or between neighbours, involving the use of a firearm legitimately owned for no criminal or aggressive purpose) in which the death penalty would be plainly excessive and disproportionate. In a crime of this kind there may well be matters relating both to the offence and the offender which ought properly to be considered before sentence*

is passed. To deny the offender the opportunity, before sentence is passed, to seek to persuade the court that in all the circumstances to condemn him to death would be disproportionate and inappropriate is to treat him as no human being should be treated and thus to deny his basic humanity, the core of the right which section 7 exists to protect. Section 102(3)(b) of the Criminal Code is, accordingly, to the extent that it refers to "any murder by shooting" inconsistent with section 7 of the Constitution. The category (is) indiscriminate. By virtue of section 2 of the Constitution subsection 3(b) is to that extent void. It follows that any murder by shooting is to be treated as falling within class B as defined in section 102(3) of the Criminal Code."

See also the judgment of this Court on the sentencing phase of **The Queen v Patrick Reyes** (25th October 2002 unreported).

22. A similar position was recently arrived at again, by the Privy Council, in the Bahamian case of **Forrester Bowe (Jr.) and Trono Davies v The Queen** (Judgment delivered on 8th March 2006). In this case the Privy Council held that the mandatory sentence of death under section 312 of that country's Penal Code should be construed as imposing a discretionary sentence. The Board reasoned that -

"In the final resort, the most important consideration is that those who are entitled to the protection of human rights guarantees should enjoy that protection. The appellants should not be denied such protection because a quarter century before they were condemned to death, the law was not fully understood."

23. I therefore find and hold that the mandatory death sentence imposed on Mr. Harris was not in keeping with his right as provided for in section 7 of the Constitution of Belize.

24. For the avoidance of doubt, I must make it clear that I do not sit as an appellate court over the court that tried, convicted and sentenced Mr. Harris in 1995. And I am most certainly not exercising a discretion to change a death sentence which has already been imposed. I have no such discretion. All I am concerned with however in this part of his constitutional application is the compatibility or incompatibility of the mandatory death sentence imposed on him at his trial for the offence of murder with the Constitution. In this regard I share, with respect, the dilemma of the Privy Council which it described as "present(ing) a difficult and novel problem" in the **Bowe and Davies** case **supra** at paragraph 42 of the Board's judgment. The Board took the position that by 1973 the principle of the constitutional incompatibility of the mandatory sentence had been established and decided by authorities and that though this was not recognized by the time of the appellants' case, when in 1998 and 1999, they were respectively mandatorily sentenced to death, this should not bar them from relief because the soundness of their case was not recognized at the time. The Board stated that *"… it took some time for the legal effect of entrenched human rights guarantees to be appreciated, not because the meaning of the rights changed but because the jurisprudence on human rights and constitutional adjudication was unfamiliar and, by Courts, resisted … The task (of the court) is to ascertain what the law, correctly understood, was at the relevant time unaffected by later legal developments, since that is plainly the law which should have been declared had the challenge*

been presented then. As it is, all the building blocks of a correct constitutional exposition were in place well before 1973."

The reference to 1973 is of course to the situation in the Bahamas. I would say with respect to Belize, "all the building blocks" for the Court to hold that the mandatory or automatic imposition of the death penalty **per se**, was not reconcilable with the Constitution had been in place by, at the latest, 1987. By this date, as I have tried to show in paragraphs 17 and 18, the sun had set on the protection against constitutional challenge to pre-existing laws including penalties under those laws. The position was magisterially declared by the Privy Council in its decision in **Reyes supra** at p. 256, when it held that the imposition of the mandatory penalty for the offence of murder by shooting (categorized as a Class A offence which attracted "the automatic death penalty") was incompatible with section 7 of the Belize Constitution protecting against torture, inhuman, degrading or other treatment.

25. Also, it must be said that I do not have the benefit of how the death sentence came to be imposed on Mr. Harris – what factors if any, the sentencing judge took into account and, whether he allowed him to put any mitigation evidence before him and to take into account the personal and individual circumstances why the death penalty should not have been imposed. The respondent did not argue otherwise. I can only therefore conclude that the death sentence was imposed simply because it was thought to be mandatory to do so. From the brief recital of the circumstances of Mr. Harris' commission of the murder, it can hardly be described as "the rarest of the rare" or the worst case of murder, warranting the death penalty. If anything Mr. Harris featured as a feckless person

who shot another on the command of his girlfriend. I am of the considered view that the right to life guaranteed by section 4 of the Constitution, save in the execution of the sentence of a court in respect of a criminal offence under any law on conviction, when read alongside section 7 and the decided cases, means now that there is no mandatory death penalty. The automatic and reflexive imposition of the death penalty, the so-called mandatory death sentence, sits decidedly at odds with the Constitution's proscription against torture and inhuman punishment. This must be so considering the irreversible nature of the penalty if carried out.

26. For the death sentence to be regarded as fair, proportionate, humane and non-arbitrary, it is necessary for a sentencing Court to have regard not only to the circumstances of the commission of the offence of murder and those of the individual convicted of the offence, but also to afford him the opportunity to mitigate, to try to dissuade the Court why the ultimate sentence should not be imposed. The exercise of imposing the death sentence should not therefore exclude, **a priori**, judicial consideration of the humanity of why it should or should not be imposed. There is no evidence this was done in Mr. Harris' case. And the respondent has not argued that this was done.

27. I therefore conclude that the imposition of the mandatory death penalty on Mr. Harris violated his constitutional rights. It makes no difference, in my view, that that sentence was imposed in 1995: constitutional rights do not go stale nor, I believe, is there a statute of limitation against fundamental human rights. The task of a Court in a claim for constitutional rights or vindication is, in my view, to adjudicate upon the claim and if proved, to award appropriate remedy or redress: This is the import of section 20 of the Constitution.

28. This brings me to the third of the issues canvassed in this case.

Thirdly, Remedies for the violation of Mr. Harris' constitutional rights

29. From my findings above it is my view that Mr. Harris' constitutional rights were violated. Mr. Fitzgerald Q.C. therefore argued that in effect, Mr. Harris was first wrongly sentenced to death by the imposition on him of the mandatory death penalty and secondly he was wrongly detained on death row under the shadow of death for over eleven years.

Mr. Harris has made out his case and the respondent to his credit as a minister of justice did not resist the force of his case, although there was some equivocal and inclusive attempt by Ms. McSweaney to query the unconstitutionality of the mandatory death penalty.

30. In the light of this, I shall now have to address the appropriate remedy for the purpose of enforcing or securing the enforcement of Mr. Harris' constitutional rights in line with subsection (2) of section 20 of the Constitution which empowers this Court *"to make such declarations and orders … and give such directions as it may consider appropriate for the purpose of enforcing … any of the provisions"*, (relating to human rights and fundamental freedoms).

31. Mr. Harris having succeeded on his constitutional motion, his death sentence is accordingly quashed and set aside. However, Ms. McSweaney for the respondent, argued that a life sentence would be the appropriate remedy. Mr. Fitzgerald Q.C. on the other hand for Mr. Harris, forcefully argued that given the circumstances of his

case, taking into account that he has been the longest occupant on death row and the fact that the mandatory death penalty was improperly imposed on him in the first place and the fact that on the evidence, Mr. Harris has demonstrated a ready capacity for reform and adaptation, a term of imprisonment for a fixed determinate period would be more appropriate.

32. There are two impressive affidavits attesting to the reformative capacity of Mr. Harris: See in particular the affidavit of Mr. Bernard Adolphus a former Superintendent of Prisons for Belize at paragraph 6 and Mr. Marlon Skeen the CEO of the prison establishment where Mr. Harris is held, at paragraphs 3, 4, 5, 6, 7, 8 and 9. The picture that emerges is that he is a model prisoner with a ready ability for rehabilitation.

33. I must say that it is not necessarily axiomatic or automatic that a sentence of life imprisonment ought always to be imposed upon every convicted murderer who is not sentenced to death. Each case should depend on its own special circumstances and features. Life imprisonment can only be regarded as just one of the several options open to the sentencing judge. Sentencing is a matter quintessentially for the Courts with a particular sentence falling within the range of punishment allowed by statute. Mercy or commutation or pardon and respite are, of course, matters for the Executive. This is why I feel unable to accede to Ms. McSweaney's argument that I should, instead, impose a life sentence, and leave it to the Governor General to decide the length of time Mr. Harris should serve further in prison, on the advice of the Belize Advisory Council. However, given the official inaction in Mr. Harris' case resulting in his spending over eleven years on death row, even after the Privy Council's judgments in **Pratt and Morgan** and **Reyes**

supra, I do not feel comfortable or confident that a term of life imprisonment would necessarily spur the authorities to action.

34. It cannot, of course, be disputed that the imposition of sentence is part of the trial of an accused. The equal protection of the law provision in section 6 of the Constitution requires, in my view, that on conviction, whether for murder or any other offence, the imposition of sentence on the convict should be the responsibility and duty of the trial court, which, as stipulated in the Constitution, should be "an independent and impartial Court established by law." This position was graphically explained by the Supreme Court of Ireland in **Deaton v The Attorney General and The Revenue Commissioners (1963) IR 170** at 182-183, when it stated:

> *"There is a clear distinction between the prescription of a fixed penalty and the selection of a penalty for a particular case. The prescription of a fixed penalty is the statement of a general rule, which is one of the characteristics of legislation; this is wholly different from the selection of a penalty to be imposed in a particular case … The Legislature does not prescribe the penalty to be imposed in an individual citizen's case; it states the general rule, and the application of that rule is for the Courts … the selection of punishment is an integral part of the administration of justice and, as such, cannot be committed to the hands of the Executive …"*

See also the judgment of the House of Lords in England where **Deaton** was cited with approval in the case of **R v Secretary of State for the Home Department ex parte Anderson (2002) UKHL 46; (2003) A.C. 837**. That case concerned the

sentencing, punishment and detention of adults convicted of murder in England and Wales, and in particular, the power exercised by the Home Secretary to decide how long they should spend in prison for the purposes of punishment. The House held unanimously that section 29 of the UK Crime (Sentences) Act 1997 which had allowed the Home Secretary the power to determine the release of convicted murderers on the advice of the Parole Board was incompatible with Article 6 of the European convention on Human Rights regarding the right to a fair trial by an independent and impartial tribunal. It must be noted that this very article is largely the veritable progenitor of section 6 of the Belize Constitution. I therefore, do not, respectfully feel that Mr. Harris should receive a life sentence and leave the length of time he should serve to be determined by the Governor General on the advise of the Belize Advisory Council pursuant to section 52 of the Constitution. My disinclination is fortified by the clear breaches of Mr. Harris' constitutional rights, and the duty of the Court in sentencing. This, of course, is not to preclude Mr. Harris from consideration by the Belize Advisory Council during his imprisonment by the Court of any remission or pardon he may be entitled to. These are, however, matters for the Executive. But it cannot be denied that Mr. Harris is, on the authority of subsection (2) of section 20 of the Constitution, entitled to some relief by this Court for the breaches of his constitutional rights.

Conclusion

35. In conclusion, I am satisfied that given the facts of this case and the circumstances involved in Mr. Harris spending over eleven years on death row, coupled with the fact as I have determined, that the mandatory death sentence was wrongly imposed on him, together

with the fact that his commission of the murder for which he was convicted was not so depraved, brutal, or heinous so as to be regarded as "the rarest of the rare" or the worst case of murder but rather, was due largely, as I said in paragraph 25, to his feckless character; the remedy for the breaches of his constitutional rights should, appropriately, I think, in the circumstances, be a commutation of the death sentence and instead the substitution of fixed determinate term of imprisonment. I bear in mind as well, that on the evidence, as briefly recounted in paragraphs 31 and 32, Mr. Harris has been a model prisoner with positive influence on other prisoners despite his grim situation and he has shown that he is demonstrably rehabilitative. But the fact remains however that someone died by his hand. Therefore, the sentence must reflect some punitive element.

The sentence of this Court therefore is:

Adolph Harris for the murder of Lavern Orosco for which you stand convicted by the verdict of your trial jury, you shall serve twenty (20) years imprisonment. The eleven (11) years you have already spent in prison will be deducted from this term of imprisonment.

A. O. CONTEH
Chief Justice

DATED: 11th December, 2006.