

IN THE SUPREME COURT OF BELIZE, A.D. 2007

**R v IDELFONSO CRAWFORD**

**and**

**R v ROBERT HILL**

**REVIEW OF SENTENCES**

I am satisfied that the custodial sentences passed by the Magistrate on the above defendants of 41 years and 36 years respectively are manifestly excessive and out of line with the principle of totality – **R v Watts (2000) 1 Cr. App. R(S) 460.**

I am convinced that on a review, although the offences for which the offenders were convicted relate to different crimes on different occasions, the sentences are nonetheless, disproportionate, and as aggregate sentences, they are inappropriate as being way above the normal level of sentences for the most serious of individual offences for which they were convicted. The Magistrate, I find, failed to have regard to the aggregate effect of the individual consecutive sentences being imposed on the offenders.

This being said, I do not in any way intend to diminish the culpability of the offenders for the offences for which they were convicted, especially when they strike one as serial offenders.

The first offender, **Idelfonso Crawford**, was convicted in 2004 of escape; five counts of handling stolen goods; six counts of burglary and damage to property; and two counts of aggravated assault. He was sentenced

consecutively for all these offences, save one by the Magistrate, to a total of 41 years' imprisonment.

The second offender, Robert Hill, was convicted in 2005 of six counts of aggravated assault; four counts of robbery; one count of possession of prohibited firearm; and one count of grievous harm. He was sentenced for these offences to a total of 36 years consecutively by the trial Magistrate.

As I have said earlier, the length of the sentences imposed on the offenders were disproportionate and in the circumstances had no regard to the principle of totality. This requires that where consecutive sentences are given for a number of offences, the sentencer should have regard to the aggregate sentence, that is, its totality, and consider whether it is just and appropriate.

I find that the total sentences imposed on the offenders are, in total, excessive and not appropriate.

Accordingly, on a review of the defendants' sentences, I substitute and order as follows:

1. In respect of the defendant Crawford, for the one count of aggravated assault and of damage to property for which he received six months and four months to run concurrently, I order the sentences to run concurrently; in respect of the four counts of handling stolen goods, for which he was sentenced to three sentences of two years and one sentence of six months to run consecutively, I substitute and order three sentences of six months and one sentence of two months to run concurrently; for the one count of escape for which he was sentenced to one year to run consecutively, I affirm this sentence; for the three counts of burglary for which he was sentenced to three five-years terms to run

consecutively, I substitute and order five years for each offence to run concurrently; also in respect of the further three counts of burglary for which he received three further five years to run consecutively, I order and substitute five years for each count to run concurrently with the earlier five years for the three burglary convictions; for the further offence of handling stolen property for which he was sentenced to two years to run consecutively, I order and substitute that this term be reduced to one year and be served concurrently; for the offence of aggravated assault for which he was sentenced to one year, I order and substitute a term of six months to be served consecutively.

2. In the case of the second offender, Robert Hill, for the three robberies for which he was sentenced to seven years each to run consecutively, I order and substitute a term of seven years on each count but to run concurrently; for the four aggravated assaults for which he was sentenced to two years on two of the offences to run consecutively and two years for the other two to run concurrently, I substitute and order two years on each count to run currently; for the further aggravated assault for which he was sentenced to two years to run consecutively, I order and substitute a term of two years to run concurrently; for the further robbery and associated aggravated assault for which he was sentenced to seven years and two years respectively with each sentence to run concurrently, I order and substitute a term of three and one years respectively to run concurrently; for the possession of prohibited firearm for which he was sentenced to three years concurrently, I order and substitute a term of one year to run concurrently; and for the escape for which he was sentenced to one year to run concurrently, I am unable to interfere with this sentence.

I bear in mind that Mr. Hill was unrepresented and pleaded guilty. But this does not explain or justify the crimes for which he was convicted.

In aggregate therefore, the first defendant, Crawford, is sentenced to a total of seven years six months imprisonment and Hill, the second defendant to a total of eight years imprisonment.

**A. O. CONTEH**  
**Chief Justice**

**DATED: 6<sup>th</sup> July 2007**