

**IN THE SENIOR COURTS OF BELIZE
CENTRAL SESSION – BELIZE DISTRICT**

**IN THE HIGH COURT OF JUSTICE
INDICTMENT No.: C85 OF 2024**

BETWEEN:

THE KING

and

JUAN CARLOS NOVELO

Accused

Before:

The Honourable Mde. Justice Candace Nanton

Appearances:

Mr. Glenfield Dennison, Crown Counsel for the King

Mr. Leeroy Banner, Counsel for the Accused

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2026: June 30

July 01; 02; 06
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MURDER – JUDGE ALONE TRIAL – DECISION

JUDGMENT

Introduction/Background

- [1] **NANTON, J.:** Juan Carlos Novelo (hereinafter referred to as “the Accused”) was indicted for the offence of Murder contrary to **Section 117 of the Criminal Code**¹, (hereinafter “the Code”) arising out of the death of Leslie Verde (hereinafter “the Deceased”) which is alleged to have occurred on or about the 4th day of November 2023, at Caye Caulker Village, Belize District.
- [2] On the 30th June 2026, the trial began by a Judge sitting alone pursuant to **Section 65A (2)(a) of the Indictable Procedure Act**² which outlines that the offence of Murder shall be tried by a Judge sitting without a jury. The Accused was arraigned and pleaded not guilty to the charge on the Indictment.

The Crown’s Case

- [3] The Crown’s case in summary is that during the early morning hours of 4th November 2023, the Accused unlawfully caused the death of Leslie Verde by compressing her neck while the two were alone in a bedroom at their residence in the Caye Caulker Village, Belize District.
- [4] The Crown alleges that shortly before 4:30 a.m., the Deceased returned home and entered the residence where the Accused and her daughter, witness Alexis Chuc, were present. The Crown relies on surveillance footage to establish the movements of the Accused throughout the timeline leading up to the discovery of the Deceased.
- [5] According to the Crown’s case, only the Deceased, the Accused, and Alexis Chuc remained inside the house during the period within which the Deceased was killed. While the Deceased and the Accused were together in the bedroom, Alexis Chuc heard knocking sounds coming from the adjoining room, peeped through a space

¹ Chapter 101 Criminal Code of the Laws of Belize Revised Edition 2020

² Chapter 96 Indictable Procedure Act of the Laws of Belize Revised Edition 2020

in the ceiling and viewed the Accused touching her mother. Thereafter she saw the Accused emerge from the room and exited the house. The Crown further alleges that the Accused subsequently returned upstairs, moved the Deceased's body behind the bedroom door and then again left the premises. The body of the Deceased was discovered later that morning.

- [6] The medical evidence is that the Deceased died from asphyxiation due to neck compression. The Crown relies on the evidence of Dr. Roque Blanco to establish that the injuries were intentionally inflicted and that the death was a homicide. The Crown also contends that there is no evidence that the Deceased attacked or provoked the Accused, or that the Accused acted in self-defence, or under any other lawful justification or partial excuse.
- [7] The Crown submits that the combination of the strands of circumstantial evidence, taken together, establishes beyond reasonable doubt that the Accused intentionally caused the death of Leslie Verde.

Agreed Evidence

- [8] The Court extends its appreciation to Counsel for both parties for their cooperation throughout the case management process. The Court was further assisted by the parties' use of **Rule 10 of the Criminal Procedure Rules 2016** (the "CPR") in conjunction **with Section 106 of the Evidence Act** (the "EA"), which enabled the witness statements of the following non-contentious witnesses to be admitted into evidence by agreement:
- i. Stephanie Dominguez – Present when the body of the Deceased was found.
 - ii. CST William Wade - Took photographic evidence and evidential samples from the body of the Deceased during autopsy.

- iii. Heydi Lopez – Present during the questioning of Omari Chuc and Alexis Chuc by police officers and present when their statements were subsequently recorded at the police station.
- iv. Ismael Monima – Extracted the surveillance video footage.
- v. Cpl. Shamika Garcia – Detained and cautioned the Accused.
- vi. Gustavo Acosta – Cautioned the Accused upon his detention at the police station.
- vii. Christine Avila – Authorized the interview of the Accused to be conducted without being recorded electronically due to the unavailability of suitable recording equipment.
- viii. Javier Novelo – Justice of the Peace who witnessed an interview under caution with the Accused.

Live Witnesses

Exhibits

[9] The Crown therefore only needed to call the following witnesses to give live evidence:

- i. Gilbert Lopez
- ii. Rosalinda Yatz
- iii. Carlos Jimenez
- iv. Omari Chuc
- v. Alexis Chuc
- vi. Manuel Mai
- vii. Dr. Roque Blanco

[10] The following exhibits were admitted into evidence:

- i. WW 1 – DVD containing the photographic evidence of CST William Wade.
- ii. IM 1 – DVD containing the surveillance video footage extracted by Ismael Monima.
- iii. CA 1 – Exhibit Schedule 2 attached to the statement of Christine Avila.
- iv. GA 1 – Suspect's Rights and Custody Form.
- v. MM 1 – Handwritten Record of Interview of the Accused.
- vi. MM 1A – Typewritten Record of Interview of the Accused.
- vii. RB 1A – Handwritten Postmortem Examination Report.
- viii. RB 1B – Typewritten Postmortem Examination Report.
- ix. Medical Certificate of Causes of Death.

Summary Of The Evidence

Omari Chuc

[11] Omari Chuc testified that on 3rd November 2023, she had spent the night at her grandmother's house. At approximately 11:00 a.m. the following day, she returned home after unsuccessfully attempting to contact her mother by telephone. She entered the house after her sister Alexis Chuc opened the front door. She asked her sister for their mother and was told that she was in her room. When she attempted to enter her mother's bedroom, she found the bedroom door obstructed and forced it open. She discovered her mother, the Deceased, lying naked on the floor behind the door with apparent bruising to her body and blood near her ears. After realizing that her mother was cold and unresponsive, she alerted Alexis Chuc and other family members, who called for assistance.

[12] During cross-examination, Omari accepted that she did not include in her statement to the police that her mother had landed on her face when she opened the door but instead had told the police that her mother was lying on the floor naked. She

nevertheless maintained that her recollection of how she discovered the Deceased was truthful. She accepted that she had never heard the Accused threaten her mother but that her mother told them that he did.

Alexis Chuc

[13] Alexis Chuc testified that on the evening of 3rd November 2023, she remained at home with the Accused after her siblings had left to sleep elsewhere. She stated that her mother, Leslie Verde, returned home shortly before 5:00 a.m. on 4th November 2023 and that she opened the front door for her. She recalled that her mother briefly sat in the living room with her before going to the bathroom. When she was done in the bathroom, her mother went into the bedroom which she shared with the Accused. Alexis Chuc testified that while in her own bedroom she heard knocking sounds coming from her mother's adjoining bedroom wall. Curious, she climbed onto a closet and peeped through an opening in the attic where she observed the Accused standing beside the bed touching the Deceased, who was lying on the bed. She stated that the Accused subsequently left the room, put on a red shirt and went downstairs carrying beers.

[14] She testified that sometime after she fell asleep, she heard the front door open and awoke to see the Accused return to the bedroom. She again climbed up to the attic opening and she observed him moving the Deceased from the bed to a position behind the bedroom door before leaving the house again. She went back to sleep. At approximately 11:50 a.m. her sister, Omari Chuc, arrived home and alerted her that their mother was dead. The girls called out for help and family members then gathered and took the Deceased to the clinic wrapped in blankets.

[15] She identified the Accused in court and identified photographs depicting the residence and the interior of the house.

- [16] During cross-examination, Alexis Chuc acknowledged that she omitted several matters from her first police statement, including seeing the Accused touching the Deceased, but maintained that her second statement, taken days later, reflected the truth. She denied that she had been pressured by family members to implicate the Accused and maintained that, although her description of whether she “climbed” or “peeped” through the attic varied, she had observed the events she described.

Rosalinda Yatz

- [17] Rosalinda Yatz testified that at approximately 7:30 to 8:00 a.m. on 4th November 2023, she observed the Accused arrive at the residence in a golf cart carrying two bicycles. She saw him place the bicycles beneath the house, go upstairs for approximately ten (10) minutes, and then emerge carrying several beers, which he left on Carlos Jimenez’s verandah before driving away. Later that morning, she heard screams coming from the Deceased’s house. She ran to the residence where she observed the Deceased lying naked in the bedroom with bruising and blood behind her ears. Together with other family members, they took the Deceased wrapped in blankets and carried her downstairs to be transported to the clinic.
- [18] During cross-examination, Rosalinda Yatz maintained that she had a clear view of the Accused when he arrived that morning and denied suggestions that she had been mistaken as to the length of time he spent upstairs.

Carlos Jimenez

- [19] Carlos Jimenez testified that shortly before midday, while he was socialising beneath his house, he heard his nieces calling out for help. He immediately ran upstairs to the Deceased’s residence where he found that the bedroom door could only be opened slightly because something was blocking it. Upon forcing the door open, he discovered the Deceased lying face down behind the door. With the assistance of two friends, he lifted her onto the bed, covered her with a towel and blankets, and transported her by golf cart to the clinic, where she was pronounced

dead. He also testified that earlier that morning, the Accused had given him beers before leaving the yard. He identified the Accused in Court.

- [20] Under cross-examination, Carlos Jimenez stated that, prior to this incident, he had never known the Accused to be violent towards the Deceased. He denied suggestions that he was involved in drug dealing and maintained his account of discovering the Deceased behind the bedroom door.

Gilbert Lopez

- [21] Gilbert Lopez testified that he returned home during the morning of 4th November 2023 and was preparing lunch when he heard screams coming from the Deceased's residence. He saw members of his family calling for help and observed Carlos Jimenez and others running upstairs. After learning that the Deceased had been found unresponsive, he used his golf cart to transport her to the clinic. He stated that upon arriving at the clinic, the attending doctor informed them that the Deceased had already died. Gilbert Lopez further testified that the Deceased had visible marks around her neck and that, after unsuccessfully attempting to contact the Accused by telephone, he later saw the Accused return to the area and directed him to the clinic. He identified the Accused in Court.

- [22] During cross-examination, Gilbert accepted that he initially assumed the Accused may have been responsible because he was the only adult male known to have been living with the Deceased but maintained that this was merely his suspicion at the time.

Manuel Mai

- [23] Sgt. Manuel Mai testified that on 4th November 2023, while attached to the Criminal Investigation Branch at the Caye Caulker Village Police Station, he received information that the Deceased had been pronounced dead at the Caye Caulker

Health Centre. Upon attending the clinic, he observed the Deceased's body with bruising around the neck. He thereafter proceeded to the Deceased's residence where he examined the scene for evidence consistent with hanging but found no rope or other object capable of supporting such a conclusion. Based on his observations at the scene, together with information obtained from Carlos Jimenez, Alexis Chuc, and Omari Chuc, he formed the view that the death involved foul play. He subsequently caused the Accused to be detained pending investigations. He conducted a cautioned interview with the Accused in the presence of a Justice of the Peace.

- [24] That interview was purely exculpatory. The Accused admitted to being in the house when the Deceased arrived at home in the early hours of November 4th but stated that he left shortly after because he wanted to avoid a confrontation. He returned sometime later that morning with his bicycles. He went upstairs into his house for some beers which he gave to his brother-in-law and thereafter left the premises. He denied any involvement in the death of the Deceased.
- [25] Sgt. Mai further testified that on the following day, he observed a surveillance camera located directly opposite the Deceased's residence and arranged for the footage to be retrieved. He stated that the footage depicted the Deceased arriving home on her bicycle, followed shortly thereafter by the Accused leaving the house. later returning with bicycles on a golf cart, entering the residence, and subsequently exiting while carrying bottles before departing the area. According to Sgt. Mai, no other person was seen entering or leaving the Deceased's residence during the relevant period before family members were seen responding to the house and transporting the Deceased to the clinic. He also accompanied Dr. Roque Blanco on a subsequent visit to the scene, during which an item of footwear was identified by Dr. Blanco for comparison with the patterned injuries observed on the Deceased's neck.

[26] During cross-examination, Sgt. Mai denied suggestions that his investigation was inadequate or that he had hastily charged the Accused. He accepted that he found no text messages indicating any confrontation between the Accused and the Deceased and acknowledged that he could not recall what ultimately became of certain items collected during the investigation, including a shoe identified by Dr. Blanco as being of potential evidential significance. He maintained that the investigation was properly conducted.

Dr. Roque Blanco

[27] Dr. Roque Blanco testified that he conducted the post-mortem examination on the body of the Deceased on 7th November 2023. He produced both handwritten and typewritten post-mortem reports, which were admitted into evidence. Dr. Blanco explained that, based on his examination, the cause of death was asphyxia due to neck compression. He stated that the extensive injuries and hemorrhaging observed to the front and sides of the neck were consistent with the application of significant external force. In his opinion, the injuries were neither self-inflicted nor accidental, and the manner of death was therefore classified as homicide.

[28] Dr. Blanco further testified that the injuries observed were inconsistent with death by hanging, explaining that a self-inflicted hanging would ordinarily produce a typical ligature mark confined to a specific area of the neck. In contrast, the Deceased exhibited multiple patterned injuries extending in different directions, together with extensive internal hemorrhaging of the neck muscles and fractures to structures of the neck. He also stated that the findings indicated that significant force had been applied to the neck using a patterned object and, in part, possibly by hands or other body parts.

[29] Dr. Blanco explained that death by neck compression may occur through obstruction of the airway, restriction of blood flow to the brain, or stimulation of a nerve which slows the heart and breathing. He opined that the compression in this case would have taken several minutes to cause death, depending on whether the

pressure was continuous. He testified that the Deceased would likely have been capable of making sounds during the assault. He acknowledged that, due to refrigeration of the body prior to the post-mortem examination, he was unable to estimate the precise time of death.

[30] Dr. Blanco was not cross-examined.

IM 1- Video Footage

[31] The video footage extracted consists of separate video clips. The first video clip shows a female identified as the Deceased Leslie Verde arriving at the premises, some minutes later a male person identified as the Accused is seen leaving the premises on a golf cart. The second video clip shows a male individual wearing a red shirt arrive on a golf cart transporting bicycles. In the third video clip, the male individual enters the premises and within two minutes he exits again with beers in hand and drops the beers for another male individual. In the fourth video clip, a young girl is seen walking down the front stairs. A few minutes later men seated under the house and other persons run upstairs to the premises identified as belonging to the Deceased. An individual driving a red golf cart subsequently arrives and the persons place what was identified as the body of the Deceased into the golf cart. On the 5th video clip, the Accused returns in his golf cart. On the 6th video clip, the Accused returns with persons identified as police officers and they all proceed upstairs while persons are gathered under the purple house. In the 7th video clip, the persons identified as police officers are seen speaking to persons and the Accused.

The Defence's Case

[32] At the close of the case for the Crown, the Court explained the available elections to the Accused, namely that he could give sworn evidence, make an unsworn

statement from the dock, remain silent, and/or call witnesses in his defence. The Accused elected to make a statement from the dock.

- [33] In his unsworn statement from the dock, the Accused denied responsibility for the death of the Deceased. He stated that when he left the residence on the morning of 4th November 2023, the Deceased was alive. He further stated that throughout the eight (8) years they had lived together as common-law spouses, he had never laid a finger on her. The Accused elected not to call any witnesses in his defence.

Elements Of The Offence

- [34] Before considering the evidence, it is necessary to identify the elements of the offence of Murder for which the Accused stands indicted. The offence is defined in **Section 117 of the Criminal Code** as follows:

“117. Every person who intentionally causes the death of another person by any unlawful harm is guilty of murder, unless his crime is reduced to manslaughter by reason of such extreme provocation, or other matter of partial excuse as in the next following sections mentioned.”

- [35] The Court is guided by the decision of the Court of Appeal in **Peter Augustine v R**³ as to the essential elements of the offence of murder. Carey JA stated:

“Murder is defined in the Criminal Code as intentionally causing the death of another without justification or provocation... It was essential to emphasize... that the specific intent which the prosecution must establish on the charge against him was an intent to kill.”

- [36] Accordingly, to secure a conviction for Murder, the Crown must satisfy the Court beyond a reasonable doubt of the following elements:
- i. That Leslie Verde is dead;
 - ii. That Leslie Verde died from unlawful harm;
 - iii. That it was the Accused who inflicted the unlawful harm upon the deceased;

³ Criminal Appeal No. 8 of 2001

- iv. That at the time he inflicted the unlawful harm, the Accused intended to kill the Deceased; and
- v. That there was no lawful justification or partial excuse for the killing.

Issues

[37] The first and second elements are not in dispute. There is no dispute that the Crown has established beyond reasonable doubt that Leslie Verde is deceased. This was established by the evidence of Dr. Roque Blanco, the admitted post-mortem report, and the evidence of Heydy Lopez, who identified the body of the Deceased as that of Leslie Verde. The evidence of Dr. Roque Blanco that the Deceased died of asphyxiation due to neck compression has also not been challenged. Dr. Blanco's evidence is that the extensive injuries and hemorrhaging observed to the front and sides of the neck were consistent with the application of significant external force. In his opinion, the injuries were neither self-inflicted nor accidental, and the manner of death was classified as homicide.

[38] The principal issues for determination therefore relate to the remaining elements and may be summarised as follows:

- i. Whether it was the Accused who inflicted the unlawful harm upon the Deceased;*
- ii. Whether, in doing so, the Accused intended to kill the Deceased; and*
- iii. Whether the Accused acted without any lawful justification or partial excuse.*

Analysis

- [39] The Court has directed itself that the Accused is presumed innocent and has absolutely nothing to prove. The Court has directed itself that the obligation is on the Crown to satisfy the Court, so that it is sure of the guilt of the Accused and if there is any reasonable doubt, the Court is duty bound to acquit him.
- [40] The Court has considered all the evidence with the intention of reaching a fair and dispassionate assessment of that evidence. The Court notes that in assessing credibility and reliability it must examine inconsistencies, discrepancies, and any implausibility in the evidence of witnesses. However, the Court notes that, on the authority of August et al. v R⁴, there is no need to comb the record for inconsistencies or contradictions. The Court notes that if there are inconsistencies and discrepancies, it must look to see if they are material and if they can be resolved on the evidence. Unresolved inconsistencies or discrepancies would lead the Court to reject that bit of evidence, or all of the witness's evidence entirely. The Court must also consider the cumulative effect of those inconsistencies or discrepancies on a witness's credibility and reliability. If the Court finds the evidence of a witness implausible, it will reject either that witness's evidence entirely or that particular bit. The Court must also consider the character, demeanour, and capabilities of witnesses along with whether there is any supporting evidence. The Court; however, notes that demeanour is not the most reliable guide and focus should be on the content of the witness's evidence.
- [41] The Court also directs itself that the credibility of a witness is not a seamless robe where one lie, or even several, automatically strips the witness of all believability. However, the telling of lies on oath is not a trifling thing. If the Court finds that a witness has intentionally testified falsely as to any material fact, it may disregard that witness's entire testimony or, may disregard so much of it as it finds to be

⁴ [2018] 3 LRC 552 at para 60.

untruthful, and accept so much of it as it finds to have been truthful and accurate. How the Court decides on this may depend on its view of how material to the issue the lie is, and the reason, if any, for it as per **James Fields v The State**⁵.

[42] The Court also directs itself of the dangers of assumptions or stereotypes and assumptions about sexual behaviour.⁶ It is important the Court guard against this to ensure a fair and balanced consideration of the arguments raised by the Crown and the Defence. The Court must not approach the evidence with any preconceived assumptions.

[43] The Court has considered all the evidence. However, the Court will note that it is not obliged to state its findings on every bit of evidence, nor every argument raised, but will address the essential issues in this case.⁷ It will attempt to analyse the evidence clinically, fairly, within the boundaries of the law and with the aid of its human experience and common sense while avoiding myths and stereotypes⁸.

[44] The Court begins firstly with analysing the evidence on the Crown's case, and if the evidence is strong enough to consider a conviction it would consider the case for the Accused, as is the required reasoning process noted by our apex court, the Caribbean Court of Justice (hereinafter "the CCJ"), in **Dioncicio Salazar v R.**⁹

Analysis Of The Crown's Case

[45] There is no direct eyewitness evidence that the Accused killed Leslie Verde. The Crown's case against the Accused is based on circumstantial evidence from which the Court is asked to infer the identity and involvement of the Accused. The fact that

⁵ [2024] 2 LRC 176 at paras 33-38.

⁶ The Crown Court Compendium, Part I, Jury and Trial Management and Summing Up, (Eng.) June 2022, para 20-1.

⁷ Salazar at paras 27-29; Andy Forbes et al v R, Criminal Appeals 20, 21 and 24 of 2018 (BZ) at para 40; and Nevis Betancourt v R [2024] CCJ 6 (AJ) BZ at paras 22 and 38.

⁸ R v Kruk 2024 SCC 7 at paras 151-162.

⁹ [2019] CCJ 15 (AJ).

the Crown's case is based on circumstantial evidence does not, by itself, render the case weak. In **August**¹⁰, where the prosecution's case rested entirely on circumstantial evidence, the Caribbean Court of Justice observed at paragraph [32] and [38]:

"[32] It is well established that it is "no derogation of evidence to say that it is circumstantial". The nature and value of circumstantial evidence have been described as follows: 'Circumstantial evidence is particularly powerful when it proves a variety of different facts all of which point to the same conclusion...[it] 'works by cumulatively, in geometrical progression, eliminating other possibilities' and has been likened to a rope comprised of several cords: 'One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength. Thus, it may be in circumstantial evidence – there may be a combination of circumstances, no one of which would raise a reasonable conviction or more than a mere suspicion; but the three taken together may create a strong conclusion of guilt with as much certainty as human affairs can require or admit of.'...

[38]: A case built on circumstantial evidence often amounts to an accumulation of what might otherwise be dismissed as happenstance. The nature of circumstantial evidence is such that while no single strand of evidence would be sufficient to prove the defendant's guilt beyond reasonable doubt, when the strands are woven together, they all lead to the inexorable view that the defendant's guilt is proved beyond reasonable doubt. There was therefore a serious misdirection wholly in August's favour when the trial judge directed the jury that each strand of the circumstantial evidence required its own proof of August's guilt beyond reasonable doubt. It is not the individual strand that required proof beyond reasonable doubt, but the whole. The cogency of the inference of guilt therefore was built not on any particular strand of evidence but on the cumulative strength of the strands of circumstantial evidence. Accordingly, the circumstantial evidence, as a whole, adduced by the prosecution pointed sufficiently to August's guilt to entitle the jury to convict him."

[46] The Caribbean Court of Justice reaffirmed its reasoning in **August** in the case of **William Mason a/c Danny Mason v The King**¹¹ and further observed at paragraph 29, citing **Weekes v The State**¹², that:

¹⁰ [2018] CCJ 7 (AJ)

¹¹ [2025] CCJ 6 (AJ) BZ

¹² [2024] CCJ 18 (AJ) BB.

“... the cogency of the inference of guilt need not be based on any particular strand of evidence but on the cumulative strength of the strands of circumstantial evidence when woven together.”

- [47] In assessing the circumstantial evidence in this case, the Court has considered the Crown’s case as a whole and not by viewing each individual piece of evidence in isolation. The Court has therefore examined the cumulative effect of the evidence and the inferences that may properly and reasonably be drawn from it. The Court has exercised caution in evaluating the circumstantial evidence, bearing in mind that such evidence may sometimes be capable of fabrication or may give rise to suspicion without necessarily establishing guilt beyond reasonable doubt.
- [48] The Court has also considered whether there are any co-existing circumstances arising from the evidence which may weaken or destroy the inference of guilt sought to be advanced by the Crown. Ultimately, the question for the Court remains whether, upon consideration of the entirety of the evidence, the Crown has proved the guilt of the Accused beyond reasonable doubt.
- [49] The Crown’s case rests primarily on the evidence of Alexis Chuc that she, the Accused, and her mother Leslie Verde were the only occupants at home the night that Leslie Verde died. The Crown also relies on video footage that shows Leslie Verde’s arrival at home, the Accused’s departure and his subsequent return.
- [50] I will examine these individual strands of the Crown’s circumstantial case and thereafter consider the cumulative force of the entire circumstantial case.

IM 1 -Video Evidence

- [51] The Court accepts the common law test for the admissibility of video evidence as set out in the decision of the Supreme Court of Canada in R v Alexander Nikolovski,¹³ per Cory J for the majority:

“Once it is established that a videotape has not been altered or changed, and that it depicts the scene of a crime, then it becomes admissible and relevant evidence. Not only is the tape (or photograph) real evidence in the sense that that term has been used in earlier cases, but it is to a certain extent, testimonial evidence as well. It can and should be used by a trier of fact in determining whether a crime has been committed and whether the accused before the court committed the crime. It may indeed be a silent, trustworthy, unemotional, unbiased and accurate witness who has complete and instant recall of events. It may provide such strong and convincing evidence that of itself it will demonstrate clearly either the innocence or guilt of the accused.”

- [52] This jurisprudence has been adopted in the Caribbean in the Jamaican Court of Appeal decision of Randeano Allen v R.¹⁴

- [53] The Court accepts that the video footage depicts the Deceased entering the premises at about 4:29 a.m. and thereafter the Accused exits at 5:28 a.m. He subsequently returns at 8:16 a.m. before leaving again a couple minutes later. Around 11:57 a.m., the footage depicts several people running into the home of the Deceased and exiting with her body.

- [54] The evidential value of that footage must, however, be considered with some caution. What was presented to the Court was not a continuous recording of events from 4:29 a.m. to 11:57 a.m. but rather spliced segments of footage, with material gaps in the sequence. The Court is therefore unable, from the footage itself to account for what occurred during those intervening periods or to exclude the possibility that another person entered, exited, or was otherwise present at the

¹³ [1996] 3 SCR 1197.

¹⁴ [2021] JMCA Crim 8 paras 38-40.

premises during the period that the Deceased arrived to when she was subsequently removed via golf cart. It should be noted that no precise time of death was advanced for the Court's consideration.

[55] The Court also observes that the footage shows an entrance to the family lot which includes the Deceased's premises from the roadway. What is not clear (from the footage) is whether anyone could have entered the premises otherwise than from the roadway. The Crown's evidence was that there were three different houses on that property and that behind those houses were mangroves.

[56] While the footage is undoubtedly a relevant circumstance to be considered as part of the Crown's circumstantial case, it does not, standing alone, establish the proposition advanced by the Crown that the Accused was the only person (apart from Alexis Chuc) present in the home with the Deceased at the material time. To draw that conclusion from the footage in its present form would require the Court to fill the evidential gaps by inference or speculation rather than by proof. Accordingly, the footage can establish the Accused's presence at the premises at the specific points in time identified above, but it cannot, without other reliable evidence, establish his exclusive presence with the Deceased at the time of her death. The Court must look to see whether that evidence has been established by other sources.

Analysis Of Evidence Of Alexis Chuc

[57] Alexis Chuc is the main witness for the Crown. It would be appropriate to state that the case for the Crown hinges substantially on her testimony. Her evidence, if believed, places the Accused as the only other person in the house with her and her mother at the time of the latter's death. Her testimony in Court also alleges that she

heard a knocking sound coming from her mother's room and then saw the Accused touching her mother whilst the two were in the bedroom.

[58] The weight that may safely be attached to Alexis Chuc's evidence; therefore, depends upon the Court's assessment of its credibility and reliability. In assessing her credibility and reliability, I have examined whether any inconsistencies, discrepancies, and any implausibility arose in her evidence.

[59] I have considered the demeanour of Alexis Chuc noting; however, that demeanour can often be a deceptive and arbitrary characteristic. I have therefore treated her demeanour with appropriate caution recognizing that it is the content of witness' evidence that holds most weight.

[60] I have also directed myself that Alexis Chuc was a 13-year-old child at the time of this alleged incident and in fact still a child at the time of her testimony in Court. In assessing the evidence of a child witness, the Court reminds itself that the evidence of a child is not to be regarded as inherently unreliable merely because of the witness' age. The Court must assess that evidence in the same careful manner as the evidence of any other witness, while making appropriate allowance for the child's age, maturity, understanding and ability to observe, remember and communicate the events in question. The Court must also be mindful that a child may describe events differently from an adult, may have difficulty with dates, times, sequence or precise detail, and may respond differently to the unfamiliar and potentially stressful experience of giving evidence. Such matters did in fact arise on Alexis' evidence and the Court gave due consideration to her age.

[61] Equally; however, Alexis Chuc's age does not relieve the Court of its obligation to scrutinise the evidence carefully. The Court has considered the internal consistency and inherent plausibility of her account, its consistency with any previous statements and with other evidence, whether any inconsistencies concern material or peripheral matters, and whether there are circumstances capable of affecting the accuracy or

reliability of her recollection. Ultimately, the question is what weight the Court can safely attach to Alexis Chuc's evidence when considered in the context of the evidence as a whole and bearing in mind throughout that the burden remains upon the Prosecution to establish the guilt of the Accused beyond a reasonable doubt.

- [62] I have found the points raised below to be relevant to my assessment of her evidence.

Whether she peeped or crawled into the attic?

- [63] Alexis Chuc's evidence was that her mom went into her room and the Accused followed thereafter. She then heard a noise that sounded like someone was knocking on the wall towards her room. She said that sound caught her attention. She climbed atop the cupboard and peeped *her head* towards the attic. That was when she saw the Accused touching her mother.
- [64] Under cross-examination, the witness was confronted with an inconsistency in her prior statement (dated 9th November) to the police where she had stated that she had climbed and crawled into the attic. The witness explained that she could not remember what she had said to the police after all these years.
- [65] On this point; therefore, the Court was faced to assess three separate versions, the first that the witness never looked into the room at all (as per statement dated 6th November) the second that the witness climbed into the attic (as per statement dated 9th November) and her live testimony that she peeped into the attic. The witness did not state which version was the truth.

Whether she went into her mother's room?

[66] In her statement dated 9th November, the witness stated that not only did she climb into the attic, but she also climbed down into her mother's room and on her mother's bed and touched her with her hands and saw that she was not moving. She then started to cry. The witness did not mention entering her mother's room at all in her live testimony.

[67] Her explanation for the inconsistency was that at the time of giving her statement "*she did not put those things in her head*". She said that if she tried to remember everything then she would be unable to sleep and that she did not want to be triggered so she tried to forget about it. She could not remember exactly what she had told the police.

[68] The witness did not clarify which version was the truth.

What did she actually see happening in her mother's room?

[69] In her live testimony, the witness stated that when she peeped into the attic she saw the Accused touching her mother with his hands. She was challenged as to an inconsistency in her earlier statements to the police. The witness accepted that she did not tell the police on 6th November that she saw the Accused touching her mother at all. She explained that she did not say that at the time since she did not really want to tell anyone and it was only when she and her aunt went to Belize City that her aunt told her to tell the truth. She denied feeling pressured but said that she was the only one who knew what happened since only her and the Accused were in the house and it could not be someone else.

Whether she saw the Accused move her mother?

[70] In live testimony, the witness stated that she saw the Accused move her mother and put her by the door; however, she accepted that in her 9th November statement she did not mention seeing the Accused move her at all, but rather stated that she heard something drop on the floor in her mother's room. Her explanation was that she was being truthful but could not remember everything that happened. She denied the suggestion that her family members forced her to accuse her stepfather.

[71] The witness responded that if it were someone else then the camera would have caught that person.

What time she saw the Accused move her mother ?

[72] The witness alleged that she saw the Accused move her mother and then exit with the beers when it was just a little bit of light outside and not yet full morning; however, the video evidence demonstrates that the Accused would have exited the premises with beers sometime after 9:00 a.m. The witness' explanation was that she could not be sure because she did not go outside, but the lights in the house were still on.

Alexis reaction

[73] Alexis Chuc's evidence at trial was that, after hearing knocking sounds from her mother's bedroom, she climbed onto the cupboard and observed the Accused touching her mother. She thereafter fell asleep. She stated that she was later awakened by the Accused's return and observed him moving her mother from the bed to the floor behind the bedroom door. After the Accused again left the premises, she returned to sleep and did not awaken until her sister Omari returned to the house.

[74] There was; however, a materially different account contained in Alexis' previous statement to the police (9th November). In that account, Alexis stated that she entered her mother's bedroom, climbed onto the bed and touched her mother, who was not moving, following which she began to cry. That account is significant not because the Court considers that there was any particular manner in which Alexis ought to have reacted, but because it bears directly upon what Alexis herself claimed to have observed and understood about her mother's condition that morning.

[75] The Court has considered that account alongside the evidence of Omari Chuc concerning Alexis' apparent state of knowledge later that morning. Omari testified that when she telephoned Alexis and asked why their mother was not yet awake, Alexis did not provide any information suggesting that anything unusual had occurred. When Omari subsequently arrived at the house, Alexis told her that their mother was in her room. It was Omari who went to the bedroom, discovered that their mother was not moving and alerted Alexis that she believed their mother was dead. According to Omari, Alexis responded that their mother sometimes behaved in that manner when she had been drinking and did not initially appear to appreciate that anything was seriously wrong.

[76] The Court is mindful that there is no prescribed or typical response to a traumatic or disturbing event and, particularly in the case of a child, it would be unsafe to assess credibility by reference to assumptions about how the witness ought to have behaved. The Court therefore draws no adverse inference merely from the fact that Alexis went back to sleep, failed to raise an alarm, or did not immediately seek assistance. Those matters, viewed in isolation, would provide no proper basis upon which to reject her evidence.

[77] The difficulty for the Court lies elsewhere. Alexis' contemporaneous conduct and apparent state of knowledge, as described by Omari, are difficult to reconcile with

the particular factual accounts Alexis herself subsequently gave of what she had already witnessed that morning. On one account, she had heard suspicious knocking sounds, deliberately positioned herself so that she could observe what was occurring in her mother's room, saw the Accused touching her mother and later saw him move her apparently unresponsive body behind the bedroom door. On another account, she went further: she entered the bedroom herself, touched her mother, discovered that she was not moving and began to cry. Yet, when Omari later enquired about their mother, Alexis apparently gave no indication that she had witnessed or discovered any of those matters and attributed her mother's condition to the effects of alcohol. The Court does not regard that circumstance as establishing that Alexis was untruthful. It does, however, constitute a further difficulty in determining whether the account she ultimately gave of what she observed that morning is sufficiently reliable to be acted upon, particularly when considered together with the other material inconsistencies in her evidence.

Reason for not telling police the full story on the 6th November

- [78] In live testimony, the witness stated that she did not tell the police the full truth on the 6th because she did not think the matter would go this far. However, in her statement dated 9th November she stated that the reason she did not disclose the full truth was because she was fearful of the Accused who had touched her on her private part. When confronted with this inconsistency the witness seemed visibly confused. She stated that she did not recollect telling the police that at all. She accepted that the Accused had never done that to her.

Overall assessment

- [79] The Court has approached the evidence of the Crown's principal witness with considerable care, bearing in mind that it is neither necessary nor appropriate to reject the entirety of a witness' evidence merely because aspects of it are found to be inaccurate, unreliable or untruthful. It is well established that a court may accept those portions of a witness's testimony that it finds credible and reject those that it does not.
- [80] In the present case; however, the evidence of Alexis Chuc was permeated by material inconsistencies, significant departures from earlier accounts, and aspects that were inherently implausible when considered against the objective evidence and the probabilities of the case. These deficiencies did not relate to peripheral matters but went to the very core of the Prosecution's case.
- [81] As a consequence, the Court found itself unable to place reliance on substantial portions of her evidence. Having considered these matters cumulatively, I am unable to accept as reliable Alexis Chuc's evidence that she observed the Accused touching the Deceased in the circumstances described, that she subsequently observed him moving the Deceased's body behind the door, or that the Accused was necessarily the only other person present with the Deceased during the material period. Having rejected so much of her account on matters central to the alleged offence, the residue of her testimony is insufficient, whether viewed on its own or together with the remaining evidence, to establish the essential elements of the offence.
- [82] The deficiencies identified in the evidence of the Prosecution's principal witness have a consequential effect upon the overall strength of the Crown's circumstantial case. Circumstantial evidence must be considered cumulatively, with each accepted

circumstance contributing to a coherent and compelling chain from which the only reasonable inference is the guilt of the accused. Where; however, one of the central links in that chain is found to be unreliable, the cogency of the remaining circumstances must necessarily be reassessed.

[83] In the present case, many of the incriminating circumstances relied upon by the Crown derive from, depend upon, or are materially strengthened by the evidence of Alexis Chuc.

[84] What remains is that the Deceased returned home at approximately 4:29 a.m.; the Accused admittedly was at the premises; he then left at approximately 5:28 a.m.; he returned at approximately 8:16 a.m.; he entered the house and shortly thereafter left with beers; the Deceased was later discovered dead close to midday. The Deceased had died from intentionally inflicted neck compression but there is no medical evidence establishing the exact time of death.

[85] Once the material portions of Alexis Chuc's evidence are excluded as unreliable, the remaining circumstances do not, whether individually or cumulatively, satisfy the Court beyond reasonable doubt that it was the Accused who caused the Deceased's death. In those circumstances, the cumulative effect of circumstantial evidence is not strong enough to sustain a conviction.

[86] Having reached the conclusion that the Crown's evidence, taken at its highest and considered cumulatively, does not satisfy the Court beyond reasonable doubt that the Accused caused the death of Leslie Verde, it is unnecessary for the Court to rely upon the Accused's unsworn statement in order to reach its verdict. The weakness identified is a failure of proof in the Crown's case and does not arise from the Court accepting the Accused's account.

[87] It is a fundamental principle of the criminal law that the burden rests throughout upon the prosecution to prove the guilt of the accused beyond a reasonable doubt. That burden never shifts. The standard is deliberately exacting because of the grave consequences that flow from a criminal conviction. It requires the Court to subject the evidence to careful and anxious scrutiny, testing its reliability, consistency and cogency against the whole of the evidence. Suspicion, speculation, or conjecture, however compelling, cannot substitute for proof. Where, after that careful scrutiny, the evidence does not withstand examination or leaves the Court with a reasonable doubt as to any essential element of the offence, the law requires that the accused be acquitted. A conviction can only be sustained where the Court is sure of the accused's guilt upon the evidence.

[88] The circumstances proved by the Crown undoubtedly give rise to suspicion against the Accused. He was present at the residence when the Deceased returned home, he subsequently left the premises, returned later that morning, entered the residence and thereafter departed again. The Deceased was subsequently discovered dead, having suffered fatal neck compression intentionally inflicted by another person. Those circumstances properly required careful consideration. They do not; however, answer the critical question of identity. There is no medical evidence fixing the time of death; the surveillance footage does not provide a continuous account of access to the premises during the material period; and the Court has been unable, for the reasons already given, safely to rely upon the material portions of Alexis Chuc's evidence which would otherwise connect the Accused to the fatal assault. When the evidence which the Court accepts is considered cumulatively, it gives rise to suspicion but does not make the Court sure that it was the Accused who inflicted the fatal harm upon Leslie Verde.

[89] The failure of proof arises in the Crown's case. The Accused bears no obligation to establish who else may have killed the Deceased, how another person may have entered the premises, or precisely what occurred after he left. Nor is the Court

required to accept the Accused's account before acquitting him. It is sufficient that, upon careful consideration of the whole of the Crown's evidence, the Court is left with a reasonable doubt as to whether the Accused was the person who caused the Deceased's death. Having reached that conclusion on the issue of identity, it is unnecessary to determine separately the remaining issues of intention to kill or lawful justification or partial excuse.

Disposition

[90] I hereby find the Accused Not Guilty of the murder of Leslie Verde.

Candace Nanton

High Court Judge

Senior Courts of Belize

Dated: 20th July 2026