

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

**IN THE HIGH COURT OF JUSTICE
INDICTMENT No.: C21 OF 2025**

BETWEEN:

THE KING

and

AUTHUR HILL

Convict

Before:

The Honourable Mde. Justice Candace Nanton

Appearances:

Mr. Robert Lord and Mr. Joseph Perez, Crown Counsels for the King

Mr. Norman Rodriguez, Counsel for the Accused

.....
2026: July 16

September 18
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Murder – Sentencing – Sentencing Guidelines

JUDGMENT ON SENTENCING

Background

- [1] **NANTON, J.:** The Crown has indicted Authur Hill (hereinafter the Prisoner) for the offence of Murder contrary to **Section 117 read along with Section 106(1) of the Criminal Code**¹, (hereinafter “the Code”). The particulars of the offence are that on the 1st day of February 2024, Authur Hill murdered Levan Aldana (hereinafter referred to as “the Deceased”).
- [2] On the 14th May 2026, the trial began by a Judge sitting alone with the arraignment of the Prisoner before the Court pursuant to **Section 65A (2)(a) of the Indictable Procedure Act**². After a full trial, this Court found the Prisoner guilty of the murder of the Deceased.
- [3] The facts accepted by this Court are that on or about the 1st day of February 2024, in Biscayne Village, Belize District, the Prisoner unlawfully caused the death of Levan Aldana by stabbing. On 31st January 2024 at about 10:55 p.m., Cpl. Choc was at the Ladyville Police Station when he received information of a stabbing incident at Biscayne Village. The police officers responded to the call and arrived at a residence located at 26 ¾ mile Phillip Goldson Highway, Biscayne Village, where the Deceased was found suffering from severe stab wounds. His intestines were protruding from his abdomen and crying out in pain. Before succumbing to his injuries, the Deceased repeatedly identified the name of Authur Hill as the person who stabbed him.
- [4] Prior to the Deceased being stabbed, the Prisoner and the Deceased were seen together consuming alcoholic beverages. Later that night at about 11:00 p.m., the Prisoner arrived shirtless, barefooted and sweaty at the home of Ian Wade who resides at 27 ¾ mile Phillip Goldson Highway requesting a shirt, slippers and the use of his cellular phone stating that he had an emergency.

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

- [5] At around 2:10 a.m. in the morning of the 1st February 2024, the Prisoner surrendered himself to the police and was arrested near the residence where the Deceased was found.
- [6] The medical evidence confirmed that the Deceased died from internal exsanguination caused by a fatal stab wound to the abdomen. The manner of death was classified as homicide.
- [7] The Court ordered and received the following reports and information to aid of sentencing:
- i. Social Inquiry Report
 - ii. Psychiatric Report
 - iii. Antecedent Record
 - iv. Kolbe Prison Report
 - v. Victim Impact Statement

Prescribed Penalty

- [8] **Section 106(1) of the Code**³ provides that a person convicted of the offence of murder is liable, having regard to the circumstances of the case, to be sentenced to death or to imprisonment for life.
- [9] **Section 106(3) of the Code** requires that if life imprisonment is imposed, the court must specify a minimum term to be served before the offender becomes eligible for parole. In fixing that term, the court must have regard to:
- a) the circumstances of the offender and the offence;

³ Criminal Code (Amendment) Act No. 22 of 2017

- b) any aggravating or mitigating factors of the case;
- c) any period that the offender has spent on remand awaiting trial;
- d) any relevant sentencing guidelines issued by the Chief Justice; and
- e) any other factor that the court considers to be relevant.⁴

[7] The Caribbean Court of Justice (“CCJ”) in **Gregory August et al. v The Queen**⁵ interpreted **Section 106 of the Code** as conferring upon the sentencing court a discretion to impose either life imprisonment with a specified minimum period before parole eligibility or, where the circumstances warrant, a fixed-term sentence. The Court further explained that a fixed-term sentence is the exception rather than the norm and should only be imposed where the mitigating circumstances are sufficiently compelling to justify departing from the usual sentence of life imprisonment for murder.

[8] This position was subsequently endorsed by the Court of Appeal in **Michael Faux et al. v The King**⁶, which reaffirmed that a fixed-term sentence for murder is exceptional and should only be imposed where the mitigating circumstances are sufficiently compelling to justify a departure from the ordinary sentence of life imprisonment.

[9] The Court's discretion under **Section 106 of the Code** must, therefore, be exercised judiciously and consistently with the applicable sentencing principles, ensuring that the sentence ultimately imposed is fair and proportionate.

Sentencing Principles

[10] In determining the appropriate sentence, the Court is required to undertake a careful balancing exercise, giving due consideration to several competing interests. Those

⁴ Section 106(4) of the Criminal Code

⁵ [2018] CCJ 7 (AJ)

⁶ Criminal Appeal Nos. 24, 25 and 26 of 2019

interests include the harm suffered by the Victim and those affected by the offence, the personal circumstances and rights of the Prisoner, and the broader public interest in maintaining confidence in the administration of justice. In imposing sentences, the Court must ensure that the punishment properly reflects the gravity of the offending and expresses society's clear denunciation of criminal conduct of this nature. The sentence must also serve to protect the public by promoting respect for the law and deterring both the prisoner and other like-minded persons from committing similar offences. At the same time, the Court must ensure that the sentence imposed is fair, proportionate, and tailored to the particular facts and circumstances of both the offence and the Offender.

[11] The Court recognises that sentencing is an individualized exercise. Every case must be determined on its own particular facts, and every offender must be sentenced according to the nature and extent of his criminal culpability as disclosed by the evidence.

[12] These principles are also reflected in the **General Sentencing Guidelines of the Senior Courts of Belize**⁷, which recognise that a just sentence is one that is proportionate and achieves an appropriate balance between the recognised aims of sentencing, including retribution, deterrence, rehabilitation, and the protection of the public.

Sentencing Guidelines

[13] In arriving at the appropriate sentence, the Court is guided by the **Sentencing Guidelines of the Senior Courts of Belize for Homicide and Murder**⁸ ("the Sentencing Guidelines"). **The Sentencing Guidelines** are binding and must ordinarily be applied unless, in the circumstances of the case, adherence to them

⁷ Practice Direction No. 4 of 2025

⁸ Practice Direction No. 12 of 2025

would produce an unjust result. Any departure from the Guidelines must therefore, be justified by exceptional circumstances. The Court must first assess the seriousness of the offence before determining the appropriate sentencing route, namely, whether the circumstances justify the death penalty, life imprisonment with a specified minimum term, or a fixed-term sentence.

[14] The Privy Council's decision in White v R⁹ makes it clear that the death penalty is reserved for only the most exceptional cases. It is a sentence that may be imposed only where the offence falls within the category of the "worst of the worst" or the "rarest of the rare", where there is no realistic prospect of the offender's rehabilitation, and where the legitimate aims of punishment cannot be achieved by any sentence short of death.

[15] Once the Court has identified the appropriate sentencing route, it must then determine the applicable starting point within the prescribed range. The Belize Court of Appeal considered the proper approach to fixing a minimum term of imprisonment for an offender sentenced to life imprisonment in Michael Faux. In that decision, the Court of Appeal observed the following principles:

"[15] ... The statistics show the sentencing trend for murder is life imprisonment with a minimum term before being eligible for release on parole. The table also shows a few instances of the imposition of a fixed term sentence....The Court notes that these fixed term sentences have only been imposed where there have been mitigating circumstances warranting a lesser sentence. It is at the discretion of the trial judge to determine whether to impose a sentence of life imprisonment or a fixed term sentence upon a conviction of murder.

[16] For a conviction of murder, a custodial sentence is warranted as shown by the imposition of past sentences. The sentencing trend for murder since the amended section 106 and the case of August has been the imposition of a life sentence with a minimum term of 25 – 37 years after which the convicted person becomes eligible to be released on parole.

⁹ 77 WIR 165 at paras 12-14

[17] Where a sentence of fixed term is imposed, the range is 25 – 35 years unless there are circumstances, when individualising a sentence, which warrants a lesser sentence.”

[16] **The Sentencing Guidelines** prescribe separate sentencing ranges for life imprisonment and fixed-term sentences. Where life imprisonment is imposed, the prescribed starting point for the minimum term is twenty-five (25) years, within a range of 20 to 40 years. In contrast, where a fixed-term sentence is appropriate, the starting point remains twenty-five (25) years, but within the narrower range of 20 to 35 years. It follows that, before identifying the appropriate starting point, the Court must first determine which sentencing range applies. That determination requires the Court to consider whether the circumstances of the case are sufficiently exceptional to justify departing from life imprisonment as the ordinary sentence for murder.

Life Imprisonment vs. Fixed Term Sentence

[17] The Court has no hesitation in concluding that only a custodial sentence is appropriate for this offence. The next step is to assess the seriousness of the offending by considering the aggravating factors relating to the offence.

Aggravating Factors:

- i. The offence involved the use of a dangerous weapon.
- ii. The offence was committed against a person with whom the Prisoner shared a close familial and domestic relationship.
- iii. The Victim suffered immense physical suffering before his passing.
- iv. The seriousness and prevalence of the offence of murder in Belize.

[18] The Court has not found any mitigating factors relative to the offence.

- [19] Notwithstanding the aggravating features identified above, the Court is not persuaded that this is an appropriate case for the imposition of the death penalty. Although the offence is of the utmost seriousness as it resulted in the intentional loss of a young life, the circumstances do not place this matter within the exceptional category of cases described as the "rarest of the rare" or "worst of the worst."
- [20] The death penalty is the most severe punishment known to the law. Its final and irreversible nature requires that it be reserved for those exceptional cases where there is no realistic prospect of rehabilitation or where the offender's conduct demonstrates such extreme depravity, brutality, or moral culpability that no lesser sentence would adequately serve the interests of justice. Having considered the circumstances of this case, the Court is satisfied that the recognised purposes of sentencing, including denunciation, deterrence, the protection of the public, and rehabilitation, can be adequately achieved without resorting to the ultimate penalty. The Court is therefore satisfied that a sentence other than death is appropriate.
- [21] The Court; therefore, proceeds on the footing that the appropriate sentencing exercise is confined to determining whether the Prisoner should receive a sentence of life imprisonment with a specified minimum term or a fixed-term sentence.
- [22] As recognised in August and Faux, a fixed-term sentence is reserved for those cases where sufficiently compelling mitigating circumstances justify a departure from the ordinary sentence of life imprisonment. The Court of Appeal reaffirmed this principle in Chadwick Debride et al v R¹⁰, holding that life imprisonment remains the ordinary sentence for murder and that a fixed-term sentence should only be imposed where sufficiently compelling mitigating circumstances justify a departure from that position.
- [23] The psychiatric report confirms that the Prisoner does not suffer from any major mental illness, cognitive impairment, or other psychiatric condition which would

¹⁰ Criminal Appeals Nos. 11 and 19 of 2019 at para 58

diminish his culpability or warrant a lesser sentence. The report also confirms that he is physically healthy and fit to participate in sentencing proceedings.

[24] At thirty-one years of age, youth does not arise as an issue for consideration. The Court is unable to identify any exceptional mitigating circumstance which, in its view, would justify the imposition of a fixed-term sentence.

[25] The gravity of the offending and the Prisoner's level of culpability place this matter within the category of cases for which **life imprisonment** is the appropriate sentence. The Court must, however, go on to consider whether there are sufficiently compelling mitigating factors relating to the Prisoner to exceptionally justify imposing a fixed-term sentence. In undertaking that exercise, the Court bears in mind the observations of Saunders PCCJ, as he then was, in Alleyne v R¹¹ that life imprisonment is appropriate where the seriousness of the offence is such that mitigating considerations cannot displace its weight, or where the offender's personal circumstances are substantially outweighed by the aggravating features of the offence.

The Starting Point

[26] In determining the appropriate starting point, the Court is guided by the decision of the Caribbean Court of Justice in Teerath Persaud v R¹², where it was explained that:

"[46] Fixing the starting point is not a mathematical exercise; it is rather an exercise aimed at seeking consistency in sentencing and avoidance of the imposition of arbitrary sentences. Arbitrary sentences undermine the integrity of the justice system. In striving for consistency, there is much merit in determining the starting point with reference to the particular offence which is under consideration, bearing in mind the comparison with other types of offending, taking into account the mitigating and aggravating factors that are relevant to the offence but excluding the mitigating and aggravating factors that relate to the offender. Instead of considering all

¹¹ [2019] CCJ 19 (AJ)

¹² (2018) 93 WIR 132

possible aggravating and mitigating factors only those concerned with the objective seriousness and characteristics of the offence are factored into calculating the starting point. Once the starting point has been so identified the principle of individualized sentencing and proportionality as reflected in the Penal System Reform Act is upheld by taking into account the aggravating and mitigating circumstances particular (or peculiar) to the offender and the appropriate adjustment upwards or downwards can thus be made to the starting point. Where appropriate there should then be a discount for a guilty plea. In accordance with the decision of this court in R v da Costa Hall full credit for the period spent in pre-trial custody is then to be made and the resulting sentence imposed.”

[27] The Court is mindful that, as recognised in **Michael Faux**, the applicable sentencing range for murder in Belize generally involves life imprisonment with a minimum term between 25 and 37 years before eligibility for parole. The Court also bears in mind the observations made in **Edwin Hernan Castillo v R**¹³ that sentencing guidelines are intended to assist the sentencing exercise and must be adapted where the particular facts and circumstances of the case so require. Sosa P, as he then was, stated:

“[30]... A sentencing range is not, however, inscribed in granite. It is no more than a general guideline. There will inevitably arise from time to time cases calling for deviation therefrom. Like courts in other jurisdictions, this Court must be alive to the fact that the variety of factual situations in which manslaughter is perpetrated is unlimited. Quite apart from that, courts interested in maintaining the essential confidence and trust of a law-abiding public must be prepared to make realistic and hard admissions about the lower end of a sentencing range if the prevalence of the crime to which it applies is not decreasing or, even worse, keeps increasing. Indeed, this Court regards itself as free, in an exceptional case, to fix a sentence beyond even the higher end of the sentencing range where a particular mix of aggravating and mitigating features so demands. The sentencing range is thus an aide used early on in the sentencing exercise, whereas the features, aggravating and mitigating, of the particular case come into play later.”

[28] Similarly, in **Burton et al v R**¹⁴, Anderson PCCJ, as he then was, stated:

“[13] We agree that the exercise of judicial discretion is and must remain at the heart of the sentencing process. The guidelines cannot place the sentencing judge into a strait-jacket or in any way fetter that judicial discretion. This would run counter to the legislative injunction in the Penal

¹³ Criminal Appeal No 11 of 2017

¹⁴ (2014) 84 WIR 84 at para 13

System Reform Act [section 75(1)(a) of the Belizean Alternative Sentencing Act 2024] which stipulates that the length of a custodial sentence 'shall be for such term as in the opinion of the court is commensurate with the seriousness of the offence' and 'shall be for such longer term as in the opinion of the court is necessary to protect the public from serious harm from the offender'. These are matters which fall to be determined first and foremost by the trial judge often involving as they almost invariably do assessment of the factual matrix of the case including, perhaps most importantly, the conduct and demeanour of the offender.

... [15] ... it is perfectly appropriate for the sentencing judge to not follow the guidelines in a particular case if he or she concludes that their application would not result in the appropriate sentence. Public confidence in the criminal justice system must be maintained by the imposition of suitable penalties taking into consideration the penological objectives of protection of the public, deterrence, and rehabilitation of the offender, and it is for the sentencing judge in his discretion to make the call as to the sentence that will come closest to achieving those objectives. However, if the sentencing judge decides to depart from the guidelines established by the superior court then he or she should explain his or her reasons for doing so."

[29] In determining the appropriate minimum term, the Court has regard to the guidance of the Court of Appeal in **Michael Faux** as well as **Ernest Thurton Jr. v R**¹⁵, where a life sentence of a minimum term of thirty-five (35) years imprisonment was imposed for a double murder. Moreover, in **Patrick Reyes v R**¹⁶, a life sentence was also imposed with a minimum term of forty (40) years imprisonment; and in **Peter Dougal v R**¹⁷, where the court imposed a double murder life sentence with a minimum period of forty-five (45) years imprisonment before becoming eligible for parole.

[30] This Court has also considered a recent decision **Bradley v The King**¹⁸ in which the Court of Appeal reviewed the sentence for a conviction for murder. The Court of Appeal, in hearing an appeal from the decision of Moore J., considered the sentence imposed in light of **The Sentencing Guidelines** as well as the common law principles which would have been applicable at the time of sentencing. Moore J. had

¹⁵ Criminal Appeal No. 17 of 2018

¹⁶ Claim No. 372 of 2018

¹⁷ 4 [2011] JMCA Crim 13

¹⁸ Criminal Appeal No. 6 of 2021 (decision issued May 2026), paragraph 45.

found the accused guilty of murder and, on 2nd February 2022, sentenced him to life imprisonment, with eligibility for parole after 28 years.

- [31] The deceased was a 68-year-old woman who was found four days after her disappearance inside a latrine behind the appellant's residence, with her body wrapped in a tarp. A post-mortem examination established that she died from a stab wound to the chest. A chain belonging to the deceased was subsequently found in the possession of the appellant's girlfriend, who testified that the appellant had given it to her around the time of the deceased's disappearance.
- [32] In applying The Guidelines, the Court of Appeal regarded the appellant's culpability as high. While the Guidelines contemplated a starting point of 25 years, the Court adopted a starting point of 30 years in light of the particular circumstances, such as the fact that the deceased was 68 years old, that her body was disposed of in a latrine, and that the offender stole her chain. The Court also identified additional aggravating features, being the appellant's previous convictions for violent offences, his escape from custody, and the risk of further serious violence, which warranted an additional 2 years being added to the starting point. The Court then reduced the sentence by 2 years after taking into account the mitigating factors, including the positive comments about the offender's character contained in the Social Inquiry Report and made by family members, as well as the fact that the offender was 22 years old at the time of the offence. The court arrived at a computation of 30 years and therefore found that the trial judge sentence of 28 years was not excessive.
- [33] I have also reviewed several High Court decisions, in which the authorities concerning sentencing for murder are consistently cited and applied. There are, however, some variations in the approach taken where the circumstances of the offence are particularly unusual or exceptional. For example, in the recent decision of Pilgrim J., in The King v Elmer Nah,¹⁹ the learned Judge sentenced the accused

¹⁹ Indictment No. SP2-2024(A). The authorities closely mirror your authorities in the recent decision of The King v Miguelito Encalada (Indictment No. C87 of 2024).

to 3 terms of life imprisonment, with a minimum term of 50 years to be served before becoming eligible for parole, in respect of the murders of three persons.

[34] In **King v Raheem Valencio**,²⁰ Creary-Dixon J., convicted the accused of murder and imposed a fixed term of 28 years' imprisonment, less credit for the four years, seven months, and 20 days spent in custody. The offence arose from an altercation between the deceased and the accused, who was a serving soldier at the time. The deceased was shot and killed by the accused in a public place in the presence of his wife, 3-year-old daughter, and cousin. In assessing the seriousness of the offence, the Court identified several aggravating factors, including that the deceased was shot in a public place in the presence of his wife, 3-year-old daughter, and cousin, resulting in significant psychological trauma to the family. The court also considered the offender's position as a serving soldier and the serious breach of trust and responsibility arising from the use of force in those circumstances. Those factors warranted an increase of 6 years, bringing the sentence to 35 years.

[35] The learned judge then considered the mitigating circumstances of the offence, including that the deceased had advanced towards the offender and the unclear instructions from his superior. These factors resulted in a reduction of 2 years. In considering the offender personally, the Court took into account his previous good character, absence of prior convictions, limited disciplinary infractions while in custody, family circumstances, and his youth and limited experience as a newly appointed soldier. A further 5 years were deducted, resulting in a final sentence of 28 years' imprisonment, less time spent (**Romeo da Costa Hall v R**).²¹

[36] As noted, **The Sentencing Guidelines** establish a starting point of twenty-five (25) years for the minimum term for life imprisonment, with a range of 20 to 40 years depending on the gravity of the offence. The Crown recommended a starting point of thirty (30) years within that range.

²⁰ Indictment No: C8 OF 2023.

²¹ [2011] CCJ 6 (AG).- the Court held that full consideration must be given to the period already spent in custody by an offender in respect of the offence for which sentence is being imposed.

[37] Having considered that stated above, I determine that a starting point of a minimum term of thirty (30) years before eligibility for parole, is indeed appropriate.

[38] The Court now turns to consider the aggravating and mitigating factors relating to the Prisoner to determine whether any adjustment should be made to the starting point.

Offender-related Factors:

[39] Community Rehabilitation Officer, Ms. Courtenay Zelaya conducted interviews with the Prisoner as well as his relatives. She states in the submitted Social Inquiry Report that Mr. Hill's circumstances include meaningful family relationships, continued support from identified family members, previous employment experience, and practical vocational skills that may be relevant to future rehabilitation and reintegration planning. She recognized however, that his limited educational attainment, his prior conviction for Common Assault, and the limited information available regarding his emotional and behavioral functioning require consideration.

[40] The Prisoner's antecedent history discloses one minor previous interaction with the criminal justice system for the offence of common assault arising from a domestic incident, and the Kolbe Prison Report contains a prison infraction also for assault. Although these infractions may seem relatively minor in context, they do cause the Court some concern as they are both of a violent nature.

[41] From the documents submitted and including the plea in mitigation advanced by Counsel on the Prisoner's behalf the Court has identified the following factors as relevant to its assessment under this rubric.

Aggravating Factors

- i. The Prisoner has a prior conviction for common assault from 2024.
- ii. The Prisoner has a 2025 prison infraction for assault.

Mitigating Factors:

- i. The Prisoner successfully completed the Journey to Freedom Programme while in custody. This reflects some willingness on his part to engage in rehabilitative interventions.
- ii. The Prisoner has close familial ties.

[42] For the aggravating features I would have adjusted the starting point upwards by one (1) year and for his mitigating factors, I would have made a downward adjustment of two (2) years. The Court; therefore, reduces the starting point by one year which leaves a net figure of twenty-nine (29) years.

Time Spent in Pre-Trial Custody

[43] The Court has also considered the decision of the Caribbean Court of Justice in Romeo da Costa Hall v R²². In that case, the Court affirmed that a prisoner is entitled to full credit for the period spent on remand in respect of the offence for which he is being sentenced, but not for time spent in custody on unrelated offences. As there is no evidence that the Prisoner was on remand for any unrelated matter, the Court directs that he be given full credit for the time spent on remand in relation to this offence.

[44] Additionally, Section 161 of the Indictable Procedure Act provides that:

“The court sentences any person to undergo a term of imprisonment for a crime, and the person is already undergoing, or has been at the same sitting of the court sentenced to undergo imprisonment for another crime, the court may direct that the imprisonment shall commence at the expiration of the

²² [2011] CCJ 6 (AJ)

imprisonment which the person is then undergoing, or has been so previously sentenced to undergo, as aforesaid.”

[45] The Prisoner has been on remand in relation to this offence since 1st February 2024, a period of **two years (2) years and approximately eight (8) months (rounded upwards)**. There is no evidence before the Court that, during this period, the Prisoner was detained on remand or serving a sentence in relation to any unrelated offence. Pursuant to **Section 162 of the Indictable Procedure Act**, as considered in **R v Pedro Moran**²³, and in accordance with **The Sentencing Guidelines**, the Court has the discretion to backdate a sentence to account for the period spent in custody prior to sentencing.

[46] Accordingly, the Prisoner is sentenced to life imprisonment, with a **minimum term of twenty-nine (29) years** to be served before becoming eligible to be considered for parole. The minimum term shall take effect from 1st February 2024, being the date of the Prisoner's initial remand for this offence.

Disposition

[47] The Court sentences the Prisoner, Authur Hill, for the murder of Levan Aldana to life imprisonment with a **minimum term of twenty-nine (29) years** before becoming eligible to be considered for parole. This sentence shall take effect from 1st February 2024, the date of the Prisoner's initial remand.

Justice Candace Nanton

High Court Judge

Senior Courts of Belize

Dated: 24th September 2026

²³ Criminal Application No. 1 of 2017 at para. 38