COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCrApp. No. 230 of 2018
SCCrApp. No. 238 of 2018

B E T W E E N

CARYN MOSS

Appellant

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

BEFORE: **The Honourable Sir Michael Barnett, P**
The Honourable Madam Justice Charles, JA
The Honourable Mr. Justice Turner, JA

APPEARANCES: **Mr. Paul Bowen, KC with Mr. Murrio Ducillle, KC, Counsel for the Appellant**

Ms. Darnell Dorsette, Counsel for the Respondent

DATES: **27 September 2023; 29 January 2024; 8, 29 May 2024**

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Criminal appeal – Resentencing – Conspiracy to commit murder – Coercion - Application to adduce additional evidence – Whether the Court can have regard to post sentence information – Impact of coercion on sentence - Sections 90 and 291 of the Penal Code

The appellant was charged and convicted of conspiracy to murder OM. He was in a witness protection program as he was a prosecution witness in a murder trial. Following her conviction, she was sentenced to 20 years imprisonment. She appealed her conviction and sentence while the DPP cross-appealed the leniency of the sentence to this Court. At the conclusion of the appeal, this Court affirmed her conviction, but increased her sentence to 35 years imprisonment. The appellant further appealed both her conviction and sentence to the Privy Council who dismissed the appeal against conviction, allowed the appeal against sentence, quashed the sentence and remitted the case back to this Court for resentencing.

The Privy Council ordered the appellant to be resentenced on the basis that neither the court below nor this Court, when sentencing the appellant, gave any consideration to whether she "acted in response to a degree of coercion in circumstances where the strict requirements of duress were not satisfied".

The appellant did not give evidence at trial. The evidence of coercion adduced at trial was the appellant's statement under caution. The appellant did not challenge the admissibility of the statement or its truthfulness. She made no allegation that it was obtained as a result of police

oppressive conduct and was untrue. However, at the sentencing hearing before the trial the appellant sought to distance herself from that statement.

At the resentencing before this Court, the appellant sought to adopt the contents of her statement to the police and to adduce additional evidence of the coercion which she said she was operating under. By her affidavit, the appellant sought to establish that since the trial and sentencing, the person of whom she was afraid and had made threats to her have since died; and that she is no longer afraid that the threats to her and her family were still extant.

Held: appellant sentenced to thirty years imprisonment. The sentence is reduced by fourteen months to take into account the time the appellant spent on remand. Therefore, the appellant is sentenced to twenty-eight years and ten months from the date of her conviction on 18 July 2018.

Section 291 stipulates the sentence to be imposed upon a person convicted of murder. Section 291(1)(b) provides that every person convicted of murder not falling within section 290(2)(a) to (f), shall be sentenced to imprisonment for life or a term of imprisonment within the range of thirty to sixty years. The Privy Council stated that "Absent extenuating circumstances" the sentencing range of thirty to sixty years applied in this case. That range is the starting point.

The trial judge, not having considered the degree of coercion as a mitigating factor or extenuating circumstance, the issue for this Court is how much the extenuating circumstances or additional mitigation, particularly the coercion, warrant a departure from the range of thirty to sixty years.

This Court is obliged to take into account the extenuating circumstances of the coercion and death threat which the appellant may have genuinely and objectively reasonably believed. The Court is skeptical as to the degree of coercion and duress imposed on the appellant as would have caused her to commit the offence. However, the Court accepts that there may have been some element of fear on her part.

The power to allow fresh evidence applies to appeals against sentence as well as to appeals against conviction. The Court is satisfied that it was in the interests of justice that it should consider this fresh evidence of the appellant. It contained information that was material to the Court's consideration as to the effects of coercion on what should be the appropriate sentence. Further, the affidavit contained information that was not available to the judge at the time of sentencing nor this Court at the time of the appeal.

R v A&B (Informer: reduction of sentence) [1999] 1 Cr App R (S) 52 mentioned
R v Caines; R v Roberts [2006] EWCA Crim 2915 applied
R v Rogers; R v Tapecrown Ltd.; R v Beaman [2016] EWCA Crim 801considered

J U D G M E N T

Judgment delivered by the Honourable Sir Michael Barnett, P:

1. On 25 July 2023 the Board of the Privy Council quashed a sentence of 35 years imprisonment on a conviction of conspiracy to murder which had been imposed by this Court on the appellant Caryn Moss. The Board directed that resentencing of the appellant should be remitted to this court.

2. The 35 years sentence was quashed because the Board considered that:

> **"88. ..,either as an extenuating circumstance or as an additional mitigation, consideration ought to have been given to whether the appellant acted in response to a degree of coercion in circumstances where the strict requirements of duress were not satisfied…"**

The Board found that in their sentencing rulings neither the sentencing judge nor the Court of Appeal gave those circumstances any consideration. The matter was therefore remitted to this Court for resentencing.

3. A resentencing hearing was conducted by this Court, and for the reasons set out in this judgment the appellant is sentenced to 30 years imprisonment from the date of her conviction which was on 18 July 2018, less the 14 months spent on remand prior to conviction.

Background

4. The appellant was charged with conspiring with others to murder Oneil Marshall. Marshall was in a witness protection program and was a witness for the prosecution in a murder trial before the Supreme Court. Marshall was killed by others after the appellant brought him in a car to a prearranged spot in the Cable Beach area. The appellant exited the car and after she exited the car Marshall was killed by a barrage of bullets whilst he was in the vehicle unable to escape because the doors had a child lock on them.

5. The appellant was convicted of the charge of conspiracy to murder and sentenced to 20 years imprisonment. She appealed both conviction and sentence to the Court of Appeal. The appeal against conviction was dismissed by the Court of Appeal. However, on the prosecution's cross appeal against sentence, the Court of Appeal increased the sentence to 35 years which sentence was within the range of 30 to 60 years as contained in the Penal Code. The appellant appealed both conviction and sentence to the Privy Council. The Privy Council dismissed the appeal against conviction, but allowed the appeal against the sentence. It quashed the 35 years sentence and remitted it back to this Court for resentencing as explained earlier in this judgment.

6. Because the issue of the degree of coercion endured by the appellant is a critical issue in this sentencing exercise it is necessary to give some detail as to the evidence of that coercion adduced at the trial. It was contained in the statement given by the appellant under caution to the police. I set it out in its entirety:

> **"I, Caryn Moss, wish to make a statement. I want someone to write down what I say. I have been told that I need not say anything unless I wish to do so, but what I say may be given in evidence.**
>
> **It started from about December 2015. The first person approach me was 'Razor'. He asked me, 'Boss lady, do you want to live large? Why don't you show me where your boy stay at.' I then asked who, and he said 'Yardy'. He said I can make $200,000 if I let him know where he lives. I told him l would think about it. I later let O'Neil know what was happening. He and I both removed all of our pictures we had on social media together. Later on another guy name Carlton approach me. He then asked me what. (sic) I was dealing with, if 'I'm (sic) ready to snitch out your boy out (sic) yet then everything would be safe on my end. I told him I would think about it.**
>
> **The last person approach me about it was a guy name 'Big Meech'. He asked me if I'm ready to deal with 'Yardy' yet and he also told; (sic) me I can make $200,000. I told him I would think about it. He told me that he understands that I knew where 'Yardy' is and everything would be okay on my end once I work with him. I then told him I would see. We exchanged phone contacts. I no longer thought about it and I let 'Yardy' know again that they were still looking for him.**
>
> **After I let him know that I wrote down the licence plate and sent It to my sister in case anything was to happen to me. I stopped answering 'Big Meech' calls. We started texting and he didn't mention 'Yardy' anymore. He mention us throwing a party. I never followed up on him. I figured he just wanted to kill me.**
>
> **The following week in April O'Neil got locked up. I went by Harvey's to check on O'Neil before I knew he was locked up. A guy by the name of Braiden told me he was locked up. It sounded weird to me so I went to Cable Beach Police Station to make sure he was locked up. When O'Neil got out he went by Braiden those and simply just told him to take his time on the road.**

About Wednesday or Thursday I went by Harvey's to get something to smoke. It was too open so l went. (sic) in Braiden's yard. There I saw 'Big Meech'. He and Braiden was sitting down talking. I went over to hail them. They were discussing on ways to line up OJ, aka 'Yardy'. 'Big Meech' was saying this would be the perfect time to light him up. He just got released out of jail so that would be the alibi people saying they saw O'Neil out because he was suppose to be in Jamaica. Braiden then say 'Yeah, man, that's perfect.' That's all I heard. I walked away.

Saturday morning 'Big Meech' called me and told me he needed to see me asap. So I directed him by my house where I felt safe. I never let him in the yard and he stayed outside by my gate. My mother called me to come to the airport to pick up her office keys. I told her I didn't have a ride so 'Big Meech' offered to take me. As we were driving he then threatened me saying that I'm already in it, I already know wha''s going on and this is what I am going to have to do. Everyone is going to get in problems so they do''t go down by themselves. He said that I know too much information and I wo''t set them up to go down.

He then later devised ' plan telling me that they were going to get a car and drop it off to me. I would pick up''Yard'' at 10:30 p.m. When I get, (sic) him I would drop him and the car at the end of Yorkshire Street and he would send some guys to deal with the situation. I must call him when I get. (sic) O'Neil. I told him okay.

When 10:30 came I had second thoughts about it, but I figured I was going to die anyway that's why it took me about 20/25 minutes to get out to O'Neil when in reality he was only 3 minutes away from me.

I finally went in the silver car 'Big Meech' and the other guy left. I got O'Neil from Braiden, drove through Yorkshire Street and told him I was going to get something to smoke. I pull the car by the end of the corner by the dead end, got out of the car and ran by my godmother's house. My godfather then answered the door. I asked to use the phone and before I got on the phone I heard about 7 to 8 gunshots. My godfather, Reggie Moncur, asked 'Are those gunshots?' I told him I doubt. (sic) it. I dialed a formation of numbers and pretended I was speaking.

When I thought they had left. I went back outside and ran home. That's it.

> **'Big Meech' didn't contact me on Sunday. He did contacted (sic) me on Monday asking me if he can see me. I told him no I was busy. When I'm free I will contact him so we can meet up so he gives me something. That's it."**
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> **I, Caryn Moss, have read the above statement. I have been told that I can alter, add, or correct anything I wish. The above statement is true. I have made it of my own free will." Signed Caryn Moss, 3rd of 17 (sic) May, 2016.**
>
> **"I further state that 'Big Meech' said that he would bring the car through my corner so everything would lead back to me if I tried to snitch on them."**
>
> **I Caryn Moss, have read the above statement. I have been told that I can alter, add, or correct anything l wish. The above statement is true. I have made it of my own free will."**

7. It should be noted that at the trial, the appellant gave no evidence. She did not testify as to this coercion that she endured which caused her to carry out her actions on 30 April 2018.

8. The appellant did not challenge the admissibility of the statement or its truthfulness. She made no allegation that it was obtained as result of police oppressive conduct and was untrue.

9. However, at the sentencing hearing before the trial the appellant sought to distance herself from that statement. In her sentencing ruling the judge referred to the probation report adduced at the sentencing hearing. She said:

> **"She reported to the probation officer that she vehemently denied any involvement in the matter; that she was struck to the face by the police, beaten about her body, called derogatory names, instructed to say what she said to the officers and complied because she was tortured."**

10. The trial judge noted that that allegation was not raised at the trial.

11. The probation officer was not questioned by the appellant's counsel about that part of the probation report. The appellant herself did not make any statement at her sentencing before the trial judge. More particularly, she did not resile from her statement to the probation officer that the statement to the police was untrue and that it was made up by the police and that she signed it only after oppressive conduct by the police. The Court must accept that the probation report accurately reflects what the appellant told the probation officer.

12. When the resentencing hearing took place before this Court on 8 May 2024, counsel for the appellant sought to adduce affidavit evidence by the appellant in support of the extenuating and mitigating circumstances under which the appellant endured and as to why she did not testify at the trial and/or sought to recant her statement at the time of the sentencing hearing before the trial judge. The affidavit, filed on 11 March 2024 said:

> **"1. I make this affidavit further to my Statement under Caution made between 19.45 and 20.06 on the 3rd May 2016 for the purposes of my resentencing. I adopt what I said to the police in that statement.**
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> **2. I believed that Jamaric 'Big Meech" Green, Ramon 'Razor' Sweeting and Carlton would have killed me if I had not co-operated in the killing of Yardie. I also believed they would hurt my family because Big Meech knew where my family and I resided.**
>
> **3. I knew both Razor and Big Meech before they approached me in December 2015. I did not know Carlton. I knew 'Razor' to be a hitman for a gang and he was called 'Razor' because he had a reputation for killing as fast and smooth as a razor. I knew 'Big Meech' from sometimes going by one of my friend's house in Bain Town, close to where 'Big Meech' reside. I also heard many stories about him from people around the Bain Town area, describing him as a killer and a hot head. They were known to me because The Bahamas is a small, knitted community, so news spreads fast.**
>
> **4. I understood the gang's willingness to use violence, they thought nothing about using violence, because violence is power to them and shows authority. I also understood the gang's willingness to use violence to let people know they are not to be messed with or taken lightly.**
>
> **5. The reason I did not go to the police was because I did not know who to trust and I believed that if I did so I and my family would be killed. They were trying to kill 'Yardie who was in witness protection, so it was believable that they would try and kill me even if I had police protection.**
>
> **6. I did not give evidence of the threats they made to me at the time of my sentencing because I was afraid they would kill me, and my family, if I did. The only thing on my mind at the time of my trial was my family's welfare. Since the time of my trial, I understand that both Big Meech and Razor have passed away. I feel that I can**

speak freely now as I no longer fear for myself or my loved ones being hurt.

7. The information contained herein is correct and true to the best of my knowledge, information and belief."

13. Counsel for the prosecution opposed the application to adduce that evidence.

14. Section 27 of the Court of Appeal Act provides:

> **"27. For the purposes of its appellate criminal jurisdiction under Parts IV and V of this Act, the court may, if the court thinks it necessary or expedient in the interests of justice —**
>
> **(a)…**
>
> **(b)…**
>
> **(c) if the court thinks fit, receive the evidence if tendered of any witness, including the appellant, who is a competent but not a compellable witness, and if the appellant makes an application for the purpose, of the husband or wife of the appellant in cases where the evidence of the husband or wife could not have been given at the trial except on such application;**
>
> **(d)…**
>
> **(e)…**
>
> **(f) exercise in relation to the proceedings of the court any other powers which may for the time being be exercised by the court on appeals in civil matters and issue any warrants necessary for enforcing the sentence or orders of the court."**

15. The power to allow fresh evidence applies to appeals against sentencing as well as to appeals against conviction.

16. However, as the English Court of Appeal said in **R v Rogers; R v Tapecrown Ltd.; R v Beaman** [2016] EWCA Crim 801**:**

> **"7. In sentencing appeals the court will scrutinise intensely any application to give a factual explanation that was not before the sentencing court…"**

17. It must be remembered that, as was stated in **Rogers; Tapecrown and Beaman,** in relation to appeals against sentence:

> **"2. …the Court of Appeal, Criminal Division is … a court of review. Its function is to review sentences passed below and not to conduct a sentencing hearing."**

See Lord Bingham in **R v A&B (Informer: reduction of sentence)** [1999] 1 Cr App R (S) 52.

18. However, in **R v Caines; R v Roberts** [2006] EWCA Crim 2915 the court said:

> **"44. …From time to time, the court will be provided with updated information about the offender. This sometimes takes the form of prison reports, sometimes confidential information from the police. The sources vary. The information may serve to show, for example, that the prisoner has provided considerable assistance to the police; sometimes aspects of the mitigation are significantly underlined in a way which may not have been as clear or emphatic in the Crown Court; sometimes the information may indicate that the offender has made significant progress since the sentence began, a feature particularly relevant in cases involving young offenders. The formal procedures for the admission of fresh evidence are not followed. This court simply considers the evidence before it. So, for example, if a young offender has responded positively to his custodial sentence, and his progress is such that it may be counter productive for him to serve the sentence actually imposed, it may be reduced on appeal, or changed to a non-custodial disposal, without any implied criticism of the decision of the Crown Court. In short, post sentence information may impact on and produce a reduction in sentence (for a recent example of post sentence evidence bearing on and explaining aspects of mitigation, with a consequent reduction in the minimum term following conviction for murder, see R v Sampson, unreported, 24 October 2006)."**

19. In essence, the appellant's affidavit sought to establish that since the trial and sentencing, the person of whom she was afraid and had made threats to her have since died; and that she is no longer afraid that the threats to her and her family were still extant.

20. We are satisfied that it was in the interests of justice that we should consider this fresh evidence of the appellant. It contained information that was material to our consideration as

to the effects of coercion on what should be the appropriate sentence. It contained information that was not available to the judge at the time of sentencing nor this Court at the time of the appeal.

21. Section 90(1) of the Penal Code as amended provides:

> **"90. (1) If two or more persons are guilty of conspiracy for the commission or abetment of any offence, each of them shall, in case the offence is committed, be punished as for that offence according to the provisions of this Code, or shall, in case the offence is not committed, be punished as if he had abetted the offence."**

22. Section 291 of the Penal Code provides:

> **"291. Sentence for murder.**
>
> **(1) Notwithstanding any other law to the contrary—**
>
> **(a) every person who is convicted of murder falling within section 290(2)(a) to (f) shall be sentenced to death or to imprisonment for life;**
>
> **(b) every person convicted of murder to whom paragraph (a) does not apply—**
>
> **(i) shall be sentenced to imprisonment for life; or**
>
> **(ii) shall be sentenced to such other term given the circumstances of the offence or the offender as the court considers appropriate <u>being within the range of thirty to sixty years imprisonment</u>:**
>
> **provided that where a person under eighteen years of age is convicted of murder he shall not be sentenced in accordance with this subsection but instead subsection (4) shall apply to the sentencing of such person.**
>
> **(2) A person shall not be sentenced to death under this section by reason of a previous conviction for murder referred to in section 290 (2)(e) unless—**
>
> **(a) at least seven days before the trial, notice is given to him that it is intended to prove the previous conviction; and**
>
> **(b) before he is sentenced, his previous conviction for murder is admitted by him or is found to be proven by the trial Judge.**

> **(3) Before sentencing a person under subsection (1), the court shall hear submissions, representations and evidence, from the prosecution and the defence, in relation to the issue of the sentence to be passed.**
>
> **(4) A person who, in the opinion of the court, was at the time when the murder was committed under eighteen years of age shall be sentenced to be detained during the court's pleasure and shall be liable to be detained, subject to subsection (5), in such place and under such conditions as the Court may direct, and whilst so detained shall be deemed to be in legal custody.**
>
> **(5) A sentence of detention imposed in accordance with subsection (4) shall during its currency be reviewed by a judge in the first instance upon the expiration of twenty years and thereafter every five years with a view as to whether the detention should be maintained or discontinued having regard to the reported conduct of the offender during his detention and for that purpose the Registrar of the court shall cause the offender to be brought before a judge.**
>
> **(6) In this Code "imprisonment for life" means imprisonment for the whole of the remaining years of a convicted person's life." [Emphasis added]**

23. In the result, as the Privy Council said at paragraph 85 in relation to this appeal **"Absent extenuating circumstances the sentencing range of 30 to 60 years imprisonment for murder applies".**

24. The issue for this Court is how much the extenuating circumstances or additional mitigation, particularly the coercion, warrant a departure from that range. As the Privy Council said the sentencing judge only considered the following as mitigating factors, **"namely (a) the appellant had no previous convictions; (b) the appellant had committed no infractions whilst in prison; and (c) she had been employed for the majority of her adult life and every one of her employers spoke highly of her.**". She did not consider the degree of coercion as a mitigating factor or extenuating circumstance.

25. Further, this Court must consider how much those extenuating and mitigating circumstances affected the aggravating features which were identified by the sentencing judge. In paragraph 77 of its advice the Privy Council said:

> **"77. Bethel J identified the following aggravating factors, namely (a) the appellant had lured a man who trusted her as a friend to his death; (b) the deceased was slaughtered with no hope of escape from a car whose exits were sealed by the child locks being deployed and its handles being**

> **removed; (c) though the appellant stated she was sorry that the deceased had lost his life, she was unrepentant as she maintained the claim that she did not commit the offence." [Emphasis added]**

26. In paragraph 82 the Board said:

> **"82. The Court of Appeal then considered whether there were extenuating circumstances and held, at para 90, that there were none that "warranted a departure from the range in the Jones' guidelines" (as emphasised in the original). Turning to the facts, the Court of Appeal stated that they were striking and summarised them, at para 90, as follows:**
>
> > **'The trial judge referred to the fact that [the appellant] 'lured a trusted friend and an innocent man to a slaughter'. It was the ultimate act of betrayal. However, in addition to this there was the fact that [the appellant] was aware that the deceased was a witness in the protection of the state in order to facilitate his testimony before the Court. She also knew that the purpose for wanting him killed was to prevent him providing that testimony. It was necessary for the trial judge to send a strong message that the execution of witnesses would not be tolerated.'"**

27. Some of the aggravating factors identified by the Court of Appeal were considered by the trial judge but not all.

28. It is to be noted that the Privy Council did not say that those matters were not aggravating factors which a sentencing court could take into account.

29. Against that background, how should this Court consider the appeal against the sentence of 20 years imposed by the trial judge. Again, I remind myself that we are a court of review and not a sentencing court. As the trial judge did take into account the aggravating factors identified by the Court of Appeal in its judgment, it would, in our view, be wrong to set it aside simply on the basis that we did not think that she gave sufficient weight to those aggravating factors. Indeed, this Court did not set it aside on that basis. This Court set the 20 years sentence aside on the basis that there were insufficient reasons given for the departure from the guidelines of 30 to 60 years.

30. In our view, contrary to the submission of Mr. Bowen, KC, the starting point cannot be 15 years but must be a point within the range of 30 to 60 years.

31. We are obliged to take into account the extenuating circumstances of the coercion and death threat which the appellant may have genuinely and objectively reasonably believed. I use the term 'may have' because the appellant's evidence on this issue was never tested by cross-examination.

32. But the appellant's evidence has serious credibility challenges. For example, on the one hand she said that she acted under duress and fear, but on the other hand she said that that statement was made because of oppressive conduct by the police and that she never had anything to do with Marshall's murder.

33. In her affidavit filed on 11 March 2024, referred to above, she said:

> **"6. I did not give evidence of the threats they made to me at the time of my sentencing because I was afraid they would kill me, and my family, if I did. The only thing on my mind at the time of my trial was my family's welfare. Since the time of my trial, I understand that both Big Meech and Razor have passed away. I feel that I can speak freely now as I no longer fear for myself or my loved ones being hurt."**

34. However, at the trial she allowed the evidence of her threats to be admitted into evidence without objection. If she did not give evidence at the trial or sentencing hearing because of the threats to her life, she would have objected to the admissibility into evidence of those threats which she told the police. If the threats were genuinely believed it is difficult to see why she would allow her statement to the probation officer denying the threats and alleging abuse by the police to be admitted without being challenged. It was not done at the trial.

35. It is to be noted that neither in her statement to the police or in her affidavit did the appellant make any statement as to whether she did or did not receive the $200,000 promised to her or any part of it. That would be a matter exclusively within her purview. It is to be further noted that in the last paragraph of her statement to the police she said:

> **"'Big Meech' didn't contact me on Sunday. He did contact me on Monday asking me if he can see me. I told him no, I was busy. When I'm free I will contact him so we can meet up so he gives me something. That's it."**

36. The reference **"so we can meet up so he gives me something"** has the inference that she was referring to the money promised to her which she had mentioned earlier.

37. Of great significance is the fact that in her statement she says that after the first approach:

> **"…I later let O'Neil know what was happening. He and I both removed all of our pictures we had on social media together…"**.

After the approach by Big Meech she said: **"I let 'Yardy' know again that they were still looking for him."**. However, she never informed Marshall of the approach that Saturday morning. She did not discuss with Marshall what further steps she and Marshall could take to avoid his proposed execution and possibly her own death.

38. I accept that the burden is on the prosecution to disprove the coercion at the criminal standard in proving the offence to give rise to a conviction. But where the evidence does not provide a defence to the charge of murder or conspiracy to commit murder, as a sentencing court, we are entitled to give such weight as to the evidence of mitigating and extenuating circumstances as we consider appropriate, having regard to all of the circumstances of the case.

39. We are skeptical as to the degree of coercion and duress imposed on the appellant as would have caused her to commit the offence. However, we accept that there may have been some element of fear on her part.

40. In our view, the starting point for a sentence for murder and or conspiracy to commit murder must be a point within the range of 30 to 60 years. We take as our starting point, 35 years which is at the lower end of the scale. The sentence should be higher if we took into account the aggravating factors identified by this Court in its earlier judgment. We, however, must discount to take into account the mitigating factors identified by the sentencing judge and referred to in paragraph 24 above. We must also discount to take into account the coercion to which the appellant was subjected. In our judgment, a sentence of 30 years would be appropriate in the circumstances of this case.

41. The appellant is sentenced to a term of 30 years imprisonment to take effect from the date of conviction. As the appellant spent 14 months on remand prior to conviction, the sentence of 30 years is further reduced by 14 months. The appellant is therefore sentenced to 28 years and 10 months from the date of her conviction on 18 July 2018.

The Honourable Sir Michael Barnett, P

The Honourable Madam Justice Charles, JA

The Honourable Mr. Justice Turner, JA