

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCrApp & CAIS No. 184 of 2012

Albert Alexander Whyley

Appellant

vs

Regina

Respondent

(Substantive Appeal)

Before: The Hon Mrs Justice Allen, President
The Hon Mr Justice John, JA
The Hon Mr Justice Conteh, JA

Mr Carlson Shurland, Counsel for Appellant
Ms Sandradee Gardiner, with Ms Kristan Stubbs,
Counsel for Respondent

18 June 2012

1 The oral judgment of the court was delivered by

2 Allen, P:

3 Having considered the matters commended to us, both
4 in support of the appeal against sentence and against the
5 appeal, we are of the view that the appellant deserves
6 a significant term of imprisonment.

7 The learned judge, we found, took into account all
8 of the aggravating circumstances, including the age of the
9 victim, the fact that the appellant has a previous conviction
10 for an offence of the same nature in which the victim was
11 a 9-year-old girl. He also took into account the evidence of
12 the psychiatrist, that the appellant is a danger to any
13 intended objects, i.e., young children.

14 In addition, before us counsel for the appellant
15 concedes that the aggravating circumstances outweigh the
16 mitigating circumstances in his case. Notwithstanding the
17 above, however, we find that a determinate sentence would be
18 more appropriate than the sentence of life imprisonment
19 imposed by the learned judge.

20 We therefore allow the appeal and substitute the
21 sentence of 30 years from the date of the conviction. We also
22 affirm the direction of the learned judge that treatment be
23 afforded to the appellant while he is in prison.

24 We believe that we owe it to the children of
25 The Bahamas to protect them from people who would prey on them

1 and have sexual intercourse with them at the age of nine
2 years. They deserve our protection and we believe the
3 sentence of 30 years is appropriate.

4

5

Dated this 18th day of June, 2012

6

7

8

ALLEN, P

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25