IN THE SENIOR COURTS OF BELIZE

CENTRAL SESSION-BELIZE DISTRICT

IN THE HIGH COURT OF JUSTICE

INDICTMENT NO.: C10/2015

BETWEEN

THE KING

and

JARED RANGUY

Prisoner

Before:

The Honourable Mr. Justice Nigel Pilgrim

Appearances:

Mr. Riis Cattouse, Crown Counsel, for the Crown.

Mr. Simeon Sampson S.C., Mr. Godfrey P. Smith S.C., Ms. Leslie D. Mendez and Mr. Hector D. Guerra for the Prisoner.

2024: March 15th
June 28th
July 16th

SENTENCING-MURDER-MENTAL ILLNESS

[1] PILGRIM, J.: Jared Ranguy ("the prisoner") was indicted for three counts of murder, contrary to section 117 read along with section 106(1) of the **Criminal Code**[1], ("the Code"). The offending in brief is that the prisoner killed his mother, stepfather and sister by shooting and stabbing them in November 2012.

[2] By way of footnote this matter was docketed to this Court in September 2023. The Court had granted adjournments to the defendant to facilitate international expert reports to be prepared on his behalf to potentially motor a defence of diminished responsibility. Those reports took some time but were prepared and the Court sought to move swiftly to case management and then to trial considering the age of the offence. The Court had received a psychiatric report dated 24th June 2022 from Dr. Alejandro Matus Torres indicating that the prisoner was fit to plead and take his trial.

[3] During the process of case management, by an application dated 6th February 2024, the prisoner sought a sentencing indication from the Court as to the type of sentence it would impose and the particular range or a particular quantum if he were to plead guilty at this stage. The Court, in a written ruling, gave an indication that the maximum sentence it would impose if the prisoner were to plead guilty at that stage would be 3 concurrent life sentences with a minimum term of imprisonment before being eligible for parole of 40 years. The prisoner accepted the indication, was arraigned and entered a plea of guilty on 15th March 2024.

[4] The Court then, pursuant to Rule 9.13(i)[2] of the **Criminal Procedure Rules 2016** ("the CPR"), conducted the necessary enquiries from the defendant himself before accepting his plea. The defendant indicated that he entered into the plea voluntarily; he accepted that by entering this plea he will be sentenced to a term of imprisonment; and he accepted that he was pleading guilty because he was in fact guilty, more particularly, that he killed the 3 deceased with intent to kill them without provocation or justification. The facts were read, and the defendant accepted them. The Court was satisfied from its enquiry that the guilty plea was unequivocal and otherwise appropriate to accept. The Court also noted that the prisoner was at the time represented by experienced and learned Senior Counsel from whom it is entitled to infer would have provided the prisoner with appropriate legal advice. The Court then deferred sentencing and

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[1] Chapter 101 of the Substantive Laws of Belize, Revised Edition 2020.

[2] *"…Before accepting a plea of guilty to an indictment or any part thereof the Judge must satisfy him or herself, either by questioning the Defendant personally or by calling upon counsel to lead the questioning, that the Defendant committed the alleged offence(s), that the plea is entered voluntarily and that it is made with an appropriate understanding of the consequences."*

mitigation for the provision of the pre-sentence reports as recommended by the apex court, the Caribbean Court of Justice ("CCJ") in **Linton Pompey v DPP**[3]. The last of those reports, the Social Inquiry Report ("SIR") only became available on 31st May 2024.

[5] The Court received very helpful submissions and material to assist in the sentencing process from both sides for which the Court must record its sincerest thanks.

[6] The Court would begin by looking at the legal framework of the issues arising in sentencing in this case.

The Legal Framework

[7] The Court is assisted in establishing the elements of the offence of murder by a decision of our Court of Appeal in **Peter Augustine v R**[4], per Carey JA:

> *"11.* ***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****." (emphasis added)*

[8] The Court thinks that it is appropriate, having regard to the submissions in this matter, to consider the legal effect of a guilty plea. The Court is assisted by a decision of the Trinidadian Court of Appeal of **Richard Noel v Marlon Rawlins P.C. #16750**[5], per Soo Hon JA, as she then was:

> *"20. The same basic principles govern guilty pleas at summary trial as govern such pleas at trial on indictment. The law is helpfully summarised in Blackstones' Criminal Practice 2016 at Parts D12 and D22 as follows:*

[3] [2020] CCJ 7 (AJ) GY at para 32.
[4] Criminal Appeal No. 8 of 2001.
[5] Mag. App. No. 63 of 2015.

"If the accused pleads guilty, the prosecution are released from their obligation to prove the case. There is no need to empanel a jury, and the accused stands convicted simply by virtue of the word that has come from his own mouth. The only evidence the prosecution then need call in the ordinary case is that of the accused's antecedents and criminal record"

…

21. Once an unequivocal plea of guilt is entered, the presumption of innocence ceases to apply and the defendant can be sentenced on the basis that he has been proved guilty…"

[9] The Court of Final Appeal of Hong Kong has made similar observations recently in **HKSAR v Han Xinjia[6],** which it is submitted would be the same position in Belize, per Lam PJ:

"17. A guilty plea constitutes a formal admission of guilt to the crime charged and it displaces the presumption of innocence and the right under art 11(1) of the Hong Kong Bill of Rights to have one's guilt to be proved by the prosecution before a conviction is warranted. The law requires a valid guilty plea to be voluntary, unequivocal and informed before such fundamental rights are displaced."

[10] Owing to some of the material placed before the Court by the prisoner it may be helpful to consider the issue of mental disorders and sentencing. The Court has been assisted by a decision of the English Criminal Court of Appeal **R v Coonan (formerly Sutcliffe)[7]**, which dealt with the sentencing of a serial killer, the "Yorkshire Ripper", for murder where the jury had rejected the defence of diminished responsibility but there was evidence of a mental disorder, namely paranoid schizophrenia, per Lord Judge CJ:

"[22] …notwithstanding that the offender failed to establish that his responsibility was substantially diminished for the purposes of the partial defence, if he in fact suffered from mental disorder or disability which lowered his degree of culpability then this may provide an element of mitigation.

…

[6] [2024] 2 HKC 42.
[7] [2011] EWCA Crim 5.

[30] …The question is whether the Appellant was subject to mental disability or disorder which did in fact constitute any, and if so how much mitigation for his offences. In other words, such disorders do not of themselves automatically lower the degree of the offender's culpability: often they will, but not necessarily. If they do, then their degree and their possible impact as mitigation must be assessed in the overall context of the entire case, including all its aggravating features."

[11]The sentencing regime for murder is set out at section 106 of the Code which provides, where relevant:

"106.-(1) Subject to sub-section (2), a person who commits murder shall be liable, having regard to the circumstances of the case, to–
(a) suffer death; or
(b) imprisonment for life.
…
(3) Where a court sentences a person to imprisonment for life in accordance with sub-section (1), the court shall specify a minimum term, which the offender shall serve before he can become eligible to be released on parole in accordance with the statutory provisions for parole.
(4) In determining the appropriate minimum term under sub-section (3), the court shall have regard to–
(a) the circumstances of the offender and the offence;
(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."
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[12]The CCJ in **August et al v R**[8] considered section 106 of the Code, per Byron PCCJ and Rajnauth-Lee JCCJ:

[8] [2018] 3 LRC 552.

"[82] ***We have concluded that under the amended s 106, where a person is convicted of murder, that person can be sentenced to death or to a maximum term of imprisonment for life. Accordingly, any life sentence imposed following a conviction for the offence of murder will be discretionary and not mandatory. Wherever on the scale the term is fixed, the term of imprisonment must necessarily be such that it is befitting of the circumstances of the offence and the offender****.*

[83] ***Where a term of life imprisonment is imposed by the sentencing judge, the judicial tailoring function is preserved by sub-ss (3) and (4) which allow for the prescription of a minimum term that must be served by the offender before being eligible for release on parole. In individualizing that minimum period, the judge's exercise of his or her sentencing discretion is guided by the consideration of the key factors set out in sub-s (4).****" (emphasis added).*

[13] The Privy Council has opined in the Belizean case of **White v R**[9] that the death penalty is only appropriate in cases that were "'the worst of the worst' or 'the rarest of the rare'; **and** that there must be no reasonable prospect of reform of the offender and that the object of punishment could not be achieved by any means other than the ultimate sentence of death." There are also procedural requirements for the imposition of the death penalty set out in **R v Reyes**[10].

[14] The Court of Appeal has comprehensively considered sentencing for murder in Belize in **Michael Faux et al v R**[11] and made the following observations, per Hafiz Bertram P:

*"[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.***

[9] 77 WIR 165 at paras 12-14.
[10] [2003] 2 LRC 688 at para 26.
[11] Criminal Appeal Nos. 24-26 of 2019.

[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****.*

[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****." (emphasis added).*

[15] The Court of Appeal has very recently restated its position on the issue of fixed and life sentences for murder in Belize in **Chadwick Debride et al v R**[12] emphasizing that fixed terms sentences ought only, as a matter of discretion, to be imposed if there are mitigating circumstances justifying it.

[16] The Court now looks to the guidance of the CCJ in the Barbadian case of **Teerath Persaud v R**[13] on the issue or the formulation of a just sentence, per Anderson JCCJ:

"[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 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*

[12] Criminal Appeals Nos. 11 and 19 of 2019 at para 58.
[13] (2018) 93 WIR 132.

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. *" (emphasis added)*

[17] The Court is also guided by the decision of the CCJ in **Calvin Ramcharran v DPP**[14] on this issue, per Barrow JCCJ:

> *"[15] In affirming the deference an appellate court must give to sentencing judges, Jamadar JCCJ observed that* ***sentencing is quintessentially contextual, geographic, cultural, empirical, and pragmatic. Caribbean courts should therefore be wary about importing sentencing outcomes from other jurisdictions whose socio-legal and penal systems and cultures are quite distinct and differently developed and organised from those in the Caribbean****.*
>
> *[16] Jamadar JCCJ noted that in 2014 this Court explained the multiple ideological aims of sentencing.* ***These objectives may be summarised as being: (i) the public interest, in not only punishing, but also in preventing crime ('as first and foremost' and as overarching), (ii) the retributive or denunciatory (punitive), (iii) the deterrent, in relation to both potential offenders and the particular offender being sentenced, (iv) the preventative, aimed at the particular offender, and (v) the rehabilitative, aimed at rehabilitation of the particular offender with a view to re-integration as a law abiding member of society****.*
>
> *[18]…* ***to find the appropriate starting point in the sentencing exercise one needed to look to the body of relevant precedents, and to any guideline cases (usually from the territorial court of appeal).*** *" (emphasis added)*

[18] This matter involves multiple murders and, in that regard, it may be apposite to consider the issue of concurrent versus consecutive sentences and the principle of totality in sentencing. This was considered by the CCJ in the decision of *Pompey*, per Saunders PCCJ:

[14] [2022] CCJ 4 (AJ) GY.

*"[15] ... **barring special circumstances, courts should normally impose concurrent sentences where a person is convicted of multiple offences which arise out of the same set of facts or the same incident**….*

*[16] **The "special circumstances" mentioned in the previous paragraph is, in part, a veiled reference to what is known as "the totality principle". The principle may be thought of in much the same fashion as one may express the principle of proportionality. The sentence imposed upon a convicted person should ultimately be neither too harsh nor too lenient. It must be proportionate. The totality principle requires that when a judge sentences an offender for more than a single offence, the judge must give a sentence that reflects all the offending behaviour that is before the court. But this is subject to the notion that, ultimately, the total or overall sentence must be just and proportionate. This remains the case whether the individual sentences are structured to be served concurrently or consecutively**.*

[17] If, therefore, a judge is minded to order that two or more sentences should be served consecutively, before pronouncing the order, the judge must factor the totality principle by considering the effect of the total sentence. The judge must ensure that this total is proportionate and not excessive. As was stated by DA Thomas, as cited in Mill v The Queen:

***… when … cases of multiplicity of offences come before the court, the court must not content itself by doing the arithmetic and passing the sentence which the arithmetic produces. It must look at the totality of the criminal behaviour and ask itself what is the appropriate sentence for all the offences**.*

…

*[33] **So far as the totality principle is concerned, in cases where it is necessary to sentence someone for multiple serious offences, before pronouncing sentence the judge should:***

(a) Consider what is an appropriate sentence for each individual offence;

(b) Ask oneself whether, if such sentences are served concurrently, the total length of time the prisoner will serve appropriately reflects the full seriousness of his overall criminality;

(c) If the answer to (b) above is Yes, then the sentences should be made to run concurrently. If the answer is No and it is felt that justice requires a longer period of incarceration so that the sentences should run consecutively, test the overall sentence against the requirement that it be just and proportionate;

(d) If upon having the sentences run consecutively, the total prison time to be served is not just and proportionate …go back to the drawing board and consider structuring the sentence in a different fashion bearing uppermost in mind the totality principle. This re-structuring exercise might be achieved by lowering the individual sentences and retaining their consecutive character or by altering the individual sentences (in particular the most serious one) and having the sentences run concurrently;

(e) Finally, carefully explain the rationale for the sentence and its structure in a way that will be best understood by the parties and the public." (emphasis added)

The accepted facts

[19] The following are the facts accepted by the prisoner on his guilty plea.

[20] On 25th November 2012 the prisoner was at his family residence situated at #5 Marage Road Ladyville Village, along with his mother Abbidale Skeen, 51 years old, his stepfather Robert Vellos Sr., 72 years old, and his sister Teena Skeen, 33 years old.

[21] Sometime at about 3:15 a.m., whilst Abbidale, Robert and Teena were asleep in their rooms the prisoner retrieved a loaded 9mm pistol belonging to a friend and a knife. The prisoner entered Teena's room where he shot his sister Teena twice, once to the right ear and once to her right arm. Teena died as a result of these gunshot injuries.

[22] The prisoner then entered his parents' room where he shot his stepfather Robert in his face and stabbed him twice. Robert died as a result of these injuries. The prisoner then stabbed his mother Abbidale twenty-three times; eight of those stab wounds were inflicted to Abbidale's neck. Abbidale succumbed to these stab wounds. The prisoner thereafter concealed the firearm and the knife which he used during the attack, in a bag in the attic of the said residence.

[23] The prisoner gave an initial caution statement to police indicating that an intruder was responsible for the murders. He later gave a further caution statement saying that he may have been responsible for the murders owing to a sleepwalking abnormality.

Analysis

[24] The Court, following the suggested process in *Persaud* will seek to identify and isolate the aggravating and mitigating factors of the offending only to attempt to arrive at a starting point. The Court is assisted in this exercise with relation to those factors in the context of a case of murder by the decision of the Trinidadian Court of Appeal in **Aguillera et al v The State**[15].

[25] The aggravating factors of the offending in this case, in the Court's view, are as follows:

i. Multiple victims: The Court notes that the prisoner robbed Belize of 3 upstanding citizens. The Jamaican Court of Appeal recently noted in **Rayon Williams v R**[16], which to this Court's mind would be common sense, that in cases of multiple murders the higher tariffs would be justified. This is a highly significant aggravating factor for which appropriate punishment must be meted out in the public interest.

ii. The victims were killed in the sanctity of their own home: The Court notes with deep distress that the 3 victims were killed in their beds while they slept. Since time immemorial it has been a high legal principle, and a fact of life, that a person's home is their castle. The Court must send the message that the violation of that space is to be met with serious consequences. This is another very significant aggravating factor.

iii. Breach of trust: The prisoner was a relative of all 3 victims. He lived under the same roof with them. This factor facilitated this offence in that he did not have to break a window or jimmy a door to gain access to them to do his dastardly deeds. He needed only walk down the hall. This was an egregious breach of the 3 victims' trust. This is another very significant aggravating factor.

[15] (2016) 89 WIR 451 at para 19.
[16] [2022] JMCA Crim 41 at para 240.

iv. There was the use of weapons, in particular, a firearm: The Belizean society is plagued by firearm involved homicides, as is the rest of the Caribbean. The Court takes judicial notice of the fact that as it gives this judgment certain parts of the country are under its second state of emergency for this year, both of which were directly linked to firearm involved homicides. The Court must send a strong message by its sentence that firearm involved murders will be met with serious consequences.

v. Extreme violence: The prisoner stabbed his mother twenty-three times with eight times being in the neck. This was violence which was far over and above what was necessary to kill her, indeed, the inference the Court draws on all the evidence is that he seemingly wanted to obliterate her.

vi. Attacking the head: The prisoner would have shot both his sister and father in the head.

vii. Vulnerable victim: The prisoner murdered Robert a man in his early seventies. The Court's sentence must demonstrate its abhorrence of attacks on the elderly.

viii. Attempts to conceal the evidence: The prisoner sought to conceal the murder weapons in his attic after the offence to avoid detection. The prisoner also misdirected the authorities by initially claiming that an intruder had killed the three deceased. The Court notes the views of the editors of the Trinidad and Tobago **Sentencing Handbook 2016**[17] "Attempts at concealment would indicate that the offender is adamant about not being apprehended and wants to ensure that he has committed the 'perfect crime'".

ix. Serious and prevalent offence: The offence of murder is both serious and prevalent, even though parricide is not. The Court's sentence must deter others form the commission of any form of murder. The effect of the murders of the three victims on their loved ones is recorded in the victim impact statements ("VIS"). In the VIS of Joan Burke-Skeen, a relative of all three deceased, noted the philanthropic work Abbidale, also called Karen, did for the Belize Cancer Society. Abbidale had assisted in several fundraising ventures for them. She indicated:

> *"6. To this day the Belize Cancer Society, its members, volunteers, supporters and beneficiaries, mourn the loss of Karen, a true Philanthropist. I have no other option but to pass the Belize Cancer Society's office every day on my way to work and there is not a single time I don't think of Karen, if only for a second, as I imagine all that we would have done for the society within the past eleven plus years has she been around especially after*

[17] P XLV.

another sister succumbing to the scourge of cancer and one being diagnosed, but fortunately championing as a survivor, and me losing my mom.

7. The circumstances of this crime has affected even my professional life as very often I would use the case to caution parents, especially mothers who would share stories of behaviors (sic) of their children, and who with all fairness, may not have such intentions. I found myself losing trust and overtly cautious even with my own family members. This is not a position I wish for anyone to be in.

8. While I am working on my healing I also have to provide support to my husband, Karen's baby brother, and if asked, he would say her favorite (sic) brother. Rene cannot speak about Karen and Tina, who he considered as a daughter, without getting extremely emotional and angry. It took him almost eight plus years before he could have driven in front of Karen's house, a place that was like a second home for him. He said to me many times that he cannot and will never again set foot in the yard much less in the house."

Marla Batista, another relative, in her VIS stated:

"3. I will never forget the chill of that early morning air, nor the splattered blood of Aunt Karen, Teena and Mr. Robert on Jared's upper body as he approached me when I entered their yard. I was the first family member on the scene, that cold morning and that moment lives with me every single day, as thee (sic) most painful experience of my life. The duty became mine to deliver this horrendous news to other family members and most painfully my mom, who was extremely close to her sister.

…

4. I was further terrified when I was allowed to view their bodies at the morgue, minutes after they arrived at KHMH. I felt the need to be at the morgue when they arrived, out of respect. The wounds I witnessed were horrifying. I'm often asked if I see those grim images of them when I close my eyes at night, I do. But what haunts me the most was the look of horror and absolute sadness on their innocent faces…

…

6. Since November 2012 to this actual moment, I have endured traumatizing emotional distress. Firstly, I have been plagued with terrible nightmares. Initially, they were so often, that I feared sleeping. The nightmares, to this day, feel so real!...Peaceful rest has never

been the same again. Due to lack of sleep, I became addicted to over-the-counter sleep medication and often times self-medicated with the goal to have uninterrupted sleep.

7. Secondly, due to overwhelming grief, I overindulged in alcohol, with the aim to numb my despair. Over consumption of alcohol only weakened my immune system and added more stress to my already petite body frame. My physical health deteriorated, and I experienced severe migraine (sic).

8. I experienced numerous bouts of anxiety attacks and depression. My heart physically ached for months after losing Aunt Karen, Teena and Mr. Robert. Just the ring of the telephone would cause my heart rate to increase rapidly. I was always on edge, always feeling like something bad was going to happen.

9. I find it especially hard to trust anyone after what Jared did to my family. To think that someone who was deeply loved by everyone, stood amongst us many times with his ill will, is disturbing to say the least.

…

11. I was enrolled in the University of Belize as a full-time student when the murders occurred. Due to immense depressive disorder, I was forced to take time off from my studies. This affected me financially since I had intended to complete my studies in two years and was on schedule to do so. I had resigned from my fulltime job, and dedicated all my efforts and time to completing my bachelor's degree in two years then return to the workforce. I had budgeted my finances specifically to accommodate my study leave and had acquired a student loan from the Development Finance Corporation. The murders however forced me to abruptly stop my studies and extend my loan payments. Doctors advised me to take a leave, since I could run the risk of experiencing a mental breakdown. I therefore, completed [my] (sic) degree in three and a half years, as opposed to two. Returning to school certainly was not the same and staying focused was challenging to say the least, as I sat in class lectures again. Additionally, I was not able to enroll in six classes per semester as was initially being done, and instead was advised to only take 2 classes per semester, due to my mental state. I took four because I could not afford to only take two and spend more time completing my degree. It would have been more costly."

Marilyn Batista stated:

"2. When Karen called me at approximately 3 :30 am to say that someone was in their house shooting, I never realized that that would have been the last time I would hear her voice. The terror and sound of extreme fright in her voice is something I will never forget. The [devastating] (sic) news that the three of them were murdered was shocking to say the least. I couldn't believe that something like this had transpired. It was just too much for me to accept. I was rushed to the hospital and administered tranquilizers as I suffered from hypertension. That entire day I was in a daze and heavily sedated since the doctors feared the onset of a stroke. At the end of the day, when I arrived home, I was hit with the reality that I would never see Karen, Teena and Robert alive again.

4. We were in utter disbelief while making arrangements for their final rest. Preparations for one loved one's funeral are difficult, but can you imagine doing it for three? The day of the funeral was traumatizing (sic). The events of that day live with me even to this moment. I moved from one casket to the other and stared in disbelief that they were dead and that it would be the last time I would see them. I felt as if my heart would burst as I gazed at THREE caskets. I still recall the way they were "fixed-up" to hide the scars from their brutal death; especially my sister Karen, who had stabs and cuts on her hands and neck. Of course, they tried to cover them from us, but we knew what was hidden under the scarves around her neck.

5. I remember seeing Teena, so young and loving, who had plans for her future, lying still and cold. Then there was Robert, who was enjoying his retirement and living a happy, healthy life, now gone too.

6. Our family is a close-knitted one and our parents made sure we treated each other kindly and would lovingly discipline us when we did anything to hurt each other. We were eleven siblings growing up together but over the years the majority of them migrated to the U.S. and eventually only Karen and I were the two sisters living in Belize. We were so close to each other - we were inseparable. We did everything together every single day, since we were both retired. Sometimes jokingly, even Robert would feel jealous of our relationship and mentioned that he never knew any other two sisters who loved each other so much. The only time we were apart was at night, when I slept at my house and she at hers, longing for the morning to come to be together again.

7. The most memorable fun-filled days were holidays and Sundays. Karen and I would go to church together, cook together then all of us would eat, chat, laugh, play games, dance, and sing to Marco Antonio's songs, which were Karen's favorite. Our children would join in too and it was like a party for us. I truly believed that my whole world revolved around my sister, her family and my daughter. I loved them so so much, but now all that is gone and I long for them so deeply. To this day I cannot speak about them without the tears flowing. Holidays and birthdays are not the same because their presence is greatly missed. All our joyous days are gone.

…

15. We will never be the same again. A part of us died too on that dreadful morning because of Jared Ranguy."

Mitigating factor: The sleepwalking?

[26] The prisoner as noted earlier from the 2022 report of Dr. Matus Torres was found fit to plead. That report also noted that he had no history of mental illness, nor did any member of his family. In the report of Dr. Richard Latham, the prisoner speaks to having migraines and using marijuana to medicate. It is noteworthy that his friend, Zane Bradley, who had known him since 1999, stated that the prisoner "never specifically mentioned that he had headaches"[18]. Though Freeman Staine said he observed seeing the prisoner having headaches. He said that an MRI was done on him at one point and no abnormality was found. The prisoner indicated that the migraines had derailed his university studies. The prisoner told Dr. Latham that he had sleep problems and had woken up in places that he had no memory of how he got there. He said that he had had arguments with intimate partners while in a sleep state but when asked if these persons could be contacted to confirm this, he said, "he would not be able to ask any of them to help and they would be reluctant.[19]" Along this line there was this exchange:

"47. We talked about the difficulties with sleep problems and whether there was someone else who has witnessed the problems as being important. He emphasized that the only

[18] Para 8 of his affidavit.
[19] Para 35.

people that might know about this are people that would not be willing to say anything that might assist him given what he has done."

[27]Dr. Latham's opinion was that:

"85. The main issue in Mr Ranguy's case is whether he could have been in a state of sleep at the time of the alleged offences. In medical terms, this would be a non-REM (rapid eye movement) parasomnia. From my psychiatric assessment there is no other significant psychiatric disorder that is likely to have been relevant at that time.

…

90. ***The possibility of these actions having occurred in sleep is informed by the complexity of him having accessed, prepared, used and hidden the weapons. Prof. Leschziner highlighted that if these actions were carried out then they are significant in terms of assessing the likelihood of this having been a non-REM parasomnia. Complex actions during a parasomnia can occur – driving, eating, walking – but the apparent complexity of his actions decrease (but do not rule out) the likelihood of this having been a non-REM parasomnia.***

91. The summary of the clinical position with respect to the alleged offences having occurred during sleep can be described in this way:

91.1. Mr Ranguy's description of his sleep problems is consistent with a non-REM parasomnia on the night of the alleged offences.

91.2. ***The complexity of his actions after the alleged offences – if they occurred in sleep – is less consistent with a non-REM parasomnia but other actions are consistent with a non-REM parasomnia****.*

91.3. The capacity for determination of whether this was a non-REM parasomnia, in a criminal case of this nature, ***is limited by the absence of any corroborative information****, and to some extent the absence of a sleep study.*

91.4. A non-REM parasomnia is a feasible explanation for his actions on the relevant night. The likelihood of this cannot be more reliably estimated without other information, which it has been established, is not available.

…

*96**. In summary, Mr Ranguy's account is consistent with him having been in a non-REM parasomnia state at the time of the alleged offences. There is however no other evidence to support this account**." (emphasis added)*

[28] In assessing this issue, the Court returns to first principles. The law presumes that every man is sane unless he establishes on a balance of probabilities that he is not[20]. Indeed, to establish the defence of diminished responsibility the Code expressly places a burden on the defence at section 118(2)[21]. The Court of Appeal in **Patrick Reyes v R[22]** noted the need for any evidence motored in support of that defence, per George P, to satisfy the "aetiological threshold of the subsection".

[29] The evidence in support of the "sleepwalking" issue is entirely based on the account of the prisoner himself to Dr. Latham. Even an account discussed of sleep disorder coming from Zane Bradley is based on a narrative from the prisoner[23]. The prisoner gave inconsistent accounts to the police at the time of the offence, firstly by way of the commission of the offence by an intruder and then possibly sleepwalking. This raises questions as to his overall credibility. Though the point is taken that there may have been the absence of supporting information based on structural difficulties in Belize like the conduct of sleep studies, there were intimate partners and other persons who may have supported the fact of him having some sort of sleep disorder whose identity the prisoner refused to disclose. The opinions of the experts are based on what he told them about his symptoms and actions. Indeed, the reason they could not come to a firm conclusion was based on the absence of independent verification of his account, and there could have been some independent verification, at least as to symptoms, had the prisoner chose to assist in the provision of the identities of the persons who could support his claims. There is also the issue of the inconsistency of the complex actions of concealment which decrease the likelihood of it being done in a sleepwalking state.

[30] The Court also is faced with the oral confession of the prisoner himself who with his own mouth indicated that his guilty plea to murder was voluntary, made with knowledge of the consequences, and made on

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[20] **Bratty v Attorney-General for Northern Ireland** [1963] A.C. 386 at p 413.
[21] *"On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder."*
[22] Criminal Appeal No. 5 of 1999 at ps 13-14.
[23] Para 12 of his affidavit.

the basis that he intentionally killed the 3 deceased without any justification or defence in the presence of his learned Senior Counsels. The Court is now legally entitled to treat the prisoner's guilt as proved by his unequivocal guilty plea. There is no evidence to dislodge the presumption that when he killed the 3 deceased, despite the "strangeness of the offence" as submitted by the prisoner, that he was sane.

[31] The Court would consequently not treat "sleepwalking" as a mitigating factor of this offence.

[32] The Court does not find any mitigating factors of this offending.

The Starting Point

[33] The Court would not impose a death sentence since though the alleged offending is indeed horrendous and extreme, there is no evidence that the prisoner is irredeemable and without any prospect of rehabilitation, as is the test set out by the Privy Council in *White*. The Crown has also not followed the procedural steps as required in *Reyes* to activate a consideration of the death sentence.

[34] The Court notes the range of sentence for murder in Belize, noted in *Faux*, is generally one of life imprisonment with a minimum term of between 25-37 years imprisonment before the convicted person is eligible for parole. The Court however notes the comments of Sosa P in **Edwin Hernan Castillo v R**[24] which noted, though in the case of manslaughter but the principle would be the same, that guidelines must be adapted if the facts of the particular case necessitate it:

> *"[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***

[24] Criminal Appeal No 11 of 2017.

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." (emphasis added)*

[35]In a similar vein the CCJ opined in **Burton et al v R**[25] per Anderson JCCJ:

"[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 System Reform Act 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] But this is much different from saying that the guidelines lack legal significance or may be disregarded without reason. The guidelines distil important aspects of sentencing principles. When pronounced by the Court of Appeal they constitute rules of practice. Lower courts must have regard to the guidelines. The sacrosanct nature of the discretion of the sentencing judge is preserved in two ways. Firstly, the guidelines indicate a range of sentences that may be appropriate for particular categories of offences and it is for the sentencing judge to decide where on the continuum of the tariff the specific sentence ought to be placed having regard to the peculiarities of the circumstances of the offence and the offender. ***Secondly, 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***

[25] 84 WIR 84.

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*."*
(emphasis added)

[36] The Court is of the view that the offending in this case is exceptional as it is a triple murder. The Court has not found another case in this jurisdiction where a person has been sentenced for a triple murder. The public interest having regard to this fact, combined with the mix and the gravity of the other 8 aggravating factors of the offending requires consideration of a sentence over the top of the 37-year minimum term at the upper part of the sentencing range in *Faux*. Indeed, under the Eastern Caribbean Supreme Court Sentencing Guideline, **Sentencing for the Offence of Murder Re-Issue 2021**[26], a case where there is the murder of two or more persons is a case of exceptionally high seriousness[27] and suggests a starting point of a whole life sentence or, if the court does not think that appropriate, a starting point of 40 years imprisonment with a range of between 30-50 years[28].

[37] The Court notes that in one of the cases considered by the Court of Appeal in *Faux*, **Ernest Thurton Jr. v R**[29] a life sentence with a 35-year minimum term of imprisonment was imposed in a double murder. Also, in the case of **Patrick Reyes v R**[30] Honourable Chief Justice Benjamin imposed a life sentence for a double murder with a minimum term of 40 years imprisonment, following the Jamaican Court of Appeal decision of **Separue Lee v R**[31] where life sentences with consecutive minimum terms of 20 years imprisonment for each killing in a double murder were given. The Court has also noted the Jamaican Court of Appeal five-member panel decision of **Peter Dougal v R**[32] where in the case of a double murder life sentences with a minimum period of imprisonment before becoming eligible for parole was 45 years.

[26] Practice Direction No. 3 of 2021.
[27] Para 5.
[28] Para 6.
[29] Criminal Appeal No. 17 of 2018.
[30] Claim No. 372 of 2018.
[31] [2014] JMCA Crim 12.
[32] [2011] JMCA Crim 13.

[38] This case involved the snuffing out of 3 valuable lives by a close relative who abused their trust and senselessly slaughtered them, some with a firearm, in the sanctity of their own home. This is a case, as the CCJ said in the case of **Alleyne v R**[33] where "the principles of punishment and deterrence [are] overriding factors." The Court finds that a life sentence is appropriate on the authority of *Faux* and *Debride* as there is no mitigating factor making a fixed term appropriate.

[39] The issue of his mental condition and the issue of sleepwalking is not clearly established on the evidence, thus not presenting a basis for consideration of that as a mitigating factor contributing to the offence, or indeed as a factor relevant to the offender. The issue of his age at the time of the offence does not assist the prisoner as he was a full adult of 26 years. The Court does not find at that age the prisoner could be considered immature and unable to fully appreciate the consequences of his actions. In any event the Court of Appeal noted in *Debride* that cases in which there are particularly bad aggravating factors, and it is submitted that this is one, the issue of youth can be outweighed as a mitigating factor[34]. The Court finds the reasoning of the Trinidadian Court of Appeal in **Ryan Ramoutar et al v The State**[35] attractive even in the Belizean context, on the issue of youth as a mitigating factor, per Mohammed JA:

> *"(11) Young age considerations:*
>
> *The overwhelming majority of cases in this jurisdiction are committed by young offenders within the age bracket of approximately eighteen to twenty-five years. The observation is frequently made that young persons in today's setting, because of their level of exposure, appear to mature at a considerably faster pace than those of the past. Once the age of majority has been attained, that is, eighteen years, with the attendant conferral of important adult rights and privileges (such as the capacity to contract and to vote), youth by itself will not inevitably lead to a reduction in sentence. Adult offenders must be taken, where deliberate action is engaged in, to have courted the consequences of their behaviour and choices. By so doing, adult offenders cannot, without more, seek to be partially immunized in the sentencing process, by praying in aid young adulthood as a mitigating factor. If the age of majority is to be considered as meaningful, representing as it does both notionally and practically the portal into the world of adult decision-making and overall responsibility,*

[33] (2019) 95 WIR 126 at para 49.
[34] Para 25.
[35] Cr. App. Nos. S 028, 029 and 030 of 2015.

then any offender of and over that age will have a severely uphill task in persuading a sentencing court that without more, comparative youth is a mitigating factor.

…

If on the evidence, it can be seen, however, that the youth of an offender has rendered him susceptible to more mature influence, this may be a factor which can, dependent on the context, be taken into account and it may lead either to a minor reduction or to a more substantial reduction in the sentence.

In respect of offenders who have not yet attained the age of majority, the courts may assume a certain level of immaturity in the absence of any evidence which might suggest otherwise, for example, where a minor is clearly a "ringleader" and involves others, even adults, in the subject wrongdoing. In the absence of such evidence, a nominal reduction may be given as a nod to youth."

[40] The Court on the mix of factors and the exceptional seriousness of this offending will select a starting point of 3 concurrent life sentences with a pre-parole minimum term of 45 years imprisonment.

Individualizing the sentence

[41] The Court would now consider the aggravating and mitigating factors in relation to the offender.

[42] The sole aggravating factor in relation to the offender is his 8 prison infractions from 2013-2022, most worryingly, a 2022 disciplinary offence where he was convicted of threatening to kill any inmate placed in his cell. The Court accepts the official record as contained in the prison report in relation to that offence, as opposed to what he says in the affidavit, on the basis of its previously stated concerns about the prisoner's credibility. It is concerning that the prisoner while being confined does not act in accordance with the rules which raises questions about his willingness to follow rules whilst free. The Court will uplift the pre-parole minimum sentence by 1 year to 46 years imprisonment.

[43] The mitigating factors in relation to the offender are as follows:

i. Previous good character: The prisoner must be given credit for his lack of previous convictions.

ii. Genuine remorse: The Court accepts the evidence in the affidavit of the prisoner that he is indeed remorseful for his actions.

iii. Testimonials and activities at the prison: The Court accepts the glowing descriptions of the prisoner by his friends as smart, reliable, hardworking and talented. It appears that the prisoner was a genius engineer whose talent was even tapped into by the authorities in the prison. The prisoner also completed two courses whilst at the prison. His SIR demonstrates his ability to be rehabilitated.

[44] The Court would deduct 4 years from that sentence for those mitigating factors and with a view to his rehabilitation. This would reduce the pre-parole minimum term to 42 years imprisonment.

[45] The Court would give the prisoner a 1/10 discount for his guilty plea as his earliest opportunity to plead was in January 2015 when he was arraigned. The issue of sleepwalking was raised by the prisoner in his statement on arrest in 2012. The burden was on the defendant to motor his defence and source his expert at his expense in accordance with section 6(3)(c) of the **Constitution**[36], as the Court understands the decision of the CCJ in **AG v Gibson**[37], per Saunders and Wit JCCJ, as they then were, discussing the Barbadian equivalent of section 6(3)(c), namely section 18(2):

> *"[31] Having reviewed all the authorities cited to us, we are not persuaded that s 18(2) gives to an accused a right to the services of an expert funded by the state. It seems to us that it would be straining the meaning of the term to include within it any such obligation on the part of the state. Interpreting the provision in this way would necessarily mean that this 'right' could properly be claimed on any occasion and under any circumstance by 'every person who is charged with a criminal offence' (see s 18(2)(c)). But the Constitution does not envisage that on each occasion an accused, indigent or otherwise, would like to have the assistance of an expert, the state must pay for him to acquire those services."*

[46] In that regard a decision on whether to plead guilty should have been made long before 2024. This would reduce the minimum pre-parole term of imprisonment to a rounded down figure of 37 years imprisonment.

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[36] *''Every person who is charged with a criminal offence-…shall be given adequate time and facilities for the preparation of his defence"*

[37] [2010] 5 LRC 486.

[47] The Court has noted that from the record available the Crown appeared ready to proceed on most occasions and trial dates had repeatedly been set but the prisoner sought adjournments for expert reports or change of counsel. In that regard even in the face of the length of the delay the Court will not grant a further deduction for delay.

[48] The Court will backdate the sentence pursuant to the Court's powers under section 162 of the **Indictable Procedure Act**[38] as considered in **R v Pedro Moran**[39] to the period of his first remand, namely 27th November 2012.

DISPOSITION

[49] The Court sentences Jared Ranguy for the crimes of the murder of Abbidale Skeen, Robert Vellos Sr., and Teena Skeen on 25th November 2012 to three life sentences with a minimum term of 37 years imprisonment before becoming eligible for parole. These sentences are to be served concurrently with effect from 27th November 2012.

Nigel Pilgrim
High Court Judge
Dated 16th July 2024

[38] Chapter 96 of the Substantive Laws of Belize, Revised Edition 2020.
[39] Criminal Application No. 1 of 2017 at para. 38.