IN THE SENIOR COURTS OF BELIZE

NORTHERN DISTRICT

IN THE HIGH COURT OF JUSTICE

INDICTMENT NO.: N10/2024

BETWEEN

THE KING

and

BRANDON ACOSTA

Offender

Before:

The Honourable Mr. Justice Raphael Morgan

Appearances:

Mrs. Shanidi Urbina, Dovini Chell and Lavinia Cuello, for the Crown

Mr. Leslie Hamilton, for the Offender

2024: April 25th, May 30th, June 19th, 26th

SENTENCING – MANSLAUGHTER BY NEGLIGENCE

MORGAN, J.: Brandon Acosta ("the Offender") was indicted on one count of Manslaughter by Negligence, contrary to **section 116** read along with **section 108 1(a)** of the **Criminal Code**[1], ("the Code").

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

[1] By application dated 27th April 2024, the Offender sought a sentence indication from the Court pursuant to the Practice Direction 298 of 2022 entitled **"Sentence Indications (Re-Issue)**" ("the Practice Direction") issued by then Ag. Honourable Chief Justice Arana.

[2] On the 30th May 2024, the Offender received and accepted the following sentence indication:

a) The Court will not impose a custodial sentence on the Offender;
b) The maximum fine that the Court will impose is a fine of Ten Thousand Dollars ($10000.00) in default two (2) years imprisonment.

[3] A mitigation hearing was held on the 19th June 2024 where the Offender called two witnesses and made a statement from the dock. Submissions were also made on sentence by Counsel for the Offender and Counsel for the Crown.

[4] In order to arrive at a just and fair sentence the Court was provided with the following:

a) The antecedent record of the Offender,
b) Victim Impact statements from Imer Tzul (father of the deceased) and Ida Tzul (mother of the deceased).

[5] The Court now proceeds to pass sentence.

Legal Framework

[6] The ideological aims/principles of sentencing were identified by the CCJ in **Lashley v Singh**[2]. These were set out as follows:

a) The public interest, in not only punishing, but also in preventing crime ("as first and foremost" and as overarching),
b) The retributive or denunciatory (punitive),
c) The deterrent, in relation to both potential offenders and the particular offender being sentenced,
d) The preventative, aimed at the particular offender,

[2] [2014] CCJ 11 (AJ) GY

e) The rehabilitative, aimed at rehabilitation of the particular offender with a view to re-integration as a law-abiding member of society.

[7] These principles were restated and emphasised by Jamadar JCCJ in **Pompey v The DPP**[3]. The import or significance of each principle may differ from case to case as a Court engages in the individualised process of sentencing the particular offender[4].

[8] In determining whether or not to impose a custodial sentence in a matter where there is no fixed minimum custodial term, a Court must have regard to the provisions of the **Penal System Reform (Alternative Sentences) Act**[5] (PSRASA) (where relevant):

> *"28.-(1) This section applies where a person is convicted of an offence punishable with a custodial sentence* ***other than one fixed by law****.*
> *(2) …****the court shall not pass a custodial sentence on the offender unless it is of the opinion****,*
> *(a****) that the offence was so serious that only such a sentence can be justified for the offence****;*
> *…*
> *31.-(1) … a court in sentencing an offender convicted by or before the court shall observe the general guidelines set forth in this section.*
> *(2) The guidelines referred to in subsection (1) of this section are as follows,*
> *1. The rehabilitation of the offender is one of the aims of sentencing, except where the penalty is death.*
> *2.* The gravity of a punishment must be commensurate with the gravity of the offence…
> *4.* ***Where a fine is imposed, the court in fixing the amount of the fine must take into account, among other relevant considerations, the means of the offender so far as these are known to the court, regardless whether this will increase or reduce the amount of the fine****.." (emphasis added)*

[9] A court in determining the appropriate sentence in a particular matter must first ascertain what the starting point should be. This has been the subject of guidance by the CCJ in the Barbadian case of **Teerath Persaud v R**[6], 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***

[3] [2020] CCJ 7 (AJ) GY
[4] Alleyne v The Queen [2017] CCJ (AJ) GY
[5] Chapter 102:01 of the Substantive Laws of Belize, Revised Edition 2020, see section 25.

[6] [2018] 93 WIR 132

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 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 sentenced imposed*." (emphasis added)*

[10]The Court is also reminded of the guidance given by Barrow JCCJ in **Calvin Ramcharan v DPP**[7] on this issue:

*"[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**……*

*[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)*

[11]A Court must also be careful not to equate the sentence indication with the starting point. The sentence indication represents the worst sentence that the Court will impose on the Offender, based on the facts available to the Court at the time of the application for a sentence indication. Further, it also importantly represents a commitment that the final sentence would not exceeding the indication. The starting point however is determined after the Court has had the benefit of the fullness of a sentence hearing with the attendant submissions by the Crown and the Defence. In that regard the Court derives assistance from the helpful judgement of Lucky JA in **Orlando Alexis v The State**[8] where the Trinidadian Court of Appeal

[7] [2022] CCJ 4 (AJ) GY
[8] Cr. App. No. P033 of 2019

considered what the proper approach and process should be for a sentence indication (called maximum sentence indications or MSIs in that jurisdiction):

> *"50. … **it should be appreciated that the MSI hearing and the sentencing process are distinct. For a MSI hearing to commence, the Offender must make the request for the advance sentence indication. What the Offender is therefore basically asking the Court to do, is to indicate the most severe sentence that will be imposed on them based on the material before the Court, should they plead guilty at that time**. The material at that point must comprise the agreed facts and any criminal record. The judge of course may request a victim impact statement or a pre-sentence report. Whatever documents the judge requests before giving the MSI is meant to assist the Court with the determination of the 'worst' or the highest sentence or type of sentence that will be imposed should the Offender plead guilty.*
>
> *51. It could not have been contemplated that the indication of the MSI was part of the actual sentencing process because such a conflation would mean that the judge would have to give a detailed account of all that has been considered such as the identification of all the aggravating and mitigating factors, and then be bound by such specificity. Further, the judge would then have to use the MSI once accepted by the Offender as the starting point to continue the sentencing process and this would lead to unfairness to the prosecution and the process of sentencing itself.*
>
> *52. The MSI hearing is not meant to be a 'mock' for the sentencing process. It is supposed to provide the Offender with an indication of the most severe sentence that will be imposed on him should he plead guilty. The process for sentencing the Offender is a completely new hearing during which comprehensive submissions, including the plea in mitigation, can be made by Counsel for the Offender and Counsel for the prosecution should the latter deem it necessary or is called upon by the judge to assist the Court.*
>
> *…*
>
> *54. **Put simply, the MSI is a commitment by the Court that should the Offender plead guilty, the final sentence imposed will not exceed the indication. On the other hand, the sentencing process involves a transparent and logical methodology which incorporates the principles of sentencing and restorative justice**.*
>
> *55. **Based on all that has already been discussed in this decision, it must be made clear that the MSI is not to be used as the 'starting point' in the sentencing process. To do so would be to treat the MSI as though it was the equivalent of a maximum penalty in statute or common law. The MSI represents the highest sentence that can be imposed by the Court after the process for final sentencing is complete**…."[emphasis mine].*

[12] The offence of Manslaughter by negligence is contained in **section 108(1) (a)** of the Code and prescribes a maximum sentence of 5 years. The maximum sentence of 5 years being reserved for cases that fall within the category of the worst of the worst[9].

[13] The Court has derived considerable assistance in determining the appropriate sentence and sentencing range from the authorities of **Espat v The Queen[10]** and **Montejo v The Queen[11]**. In **Espat** the Court of Appeal reviewed a sentence of 3 years that was imposed on the Appellant upon conviction for four (4) counts of Manslaughter by Negligence in circumstances where the negligence amounted to excessive speed. The Court of Appeal felt that sentence was excessive and instead imposed a sentence of nine (9) months imprisonment and suspended his driver's licence for five (5) years from the date of conviction. In **Montejo** the Appellant had been convicted of one (1) count of Manslaughter by Negligence where the negligence was driving at an excessive speed on the wrong side of the road. He was fined in the amount of Ten Thousand dollars ($10,000.00). The Appellant appealed against his conviction only and this was dismissed. The Court of Appeal upheld the sentence of the Court below. **Espat** was a case where the Appellant changed his plea to guilty mid trial and **Montejo** was a case where the Appellant was found guilty after a full trial.

[14] The Court is also aware of several 1st instance decisions where sentencing orders were made after convictions and guilty pleas imposing sentences ranging from sentences of imprisonment[12] to fines[13].

[15] Compensation has also been awarded ranging from **Four Thousand Dollars ($4000.00)** to **Ten Thousand Dollars ($10,000.00)**.

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[9] Espat ibid

[10] Criminal Appeal no 8 of 1993

[11] Criminal Appeal no 4 of 2011

[12] **R v Hubert Barrientos (2002)** – a sentence of 3 years imprisonment was imposed after a guilty plea for 2 counts of manslaughter by negligence and **R v Rafael Guerra (1991)** – a sentence of 18 months imprisonment was imposed after conviction at trial

[13] **R v Benson Ramclam (2005)** – fine of $7500 imposed after conviction, **Ryan Rhaburn (2005)** – fine of $5000.00 imposed after convictions, **R v Gian Clarke (2007)** – fine of $7500 imposed after a guilty verdict, **R v Edwin Patt (2008)** convicted of two counts of manslaughter by negligence, fined $10,000 on both counts.

[16]The Court after reviewing the authorities referenced above finds the current judicial approach to sentencing for Manslaughter by Negligence to be as follows:

a) **Imposition of Custodial Sentences** – The offence carries a maximum sentence of five (5) years imprisonment. Custodial sentences have been awarded on occasion, usually in cases where there were multiple deaths arising out of the incident such as in **Espat** and **Barrientos**. Custodial sentences have ranged from **three (3) years** to **nine (9) months**. Generally however any custodial sentence is awarded in default of imprisonment. The default terms ranging between six (6) months to two (2) years depending on the circumstances of the case.

b) **Imposition of Fines** – Fines have been imposed in the majority of matters where convictions have arisen, whether out of guilty pleas or after a guilty verdict. The typical quantum being in the range of **Seven Thousand Five Hundred Dollars ($7,500)** to **Fifteen Thousand Dollars ($15,000)**.

c) **Awards for Compensation** – An award of compensation under this offence as with an award of compensation for the offence of Causing Death by Careless Conduct is not meant to place a monetary value on human life. The award of compensation is discretionary and if awarded, reflects a number of considerations. These include but are not limited to any payments previously made by the Offender to the deceased's family, any monetary award that the deceased's family may be entitled to or has received from any pending civil claims and the financial means of the Offender. Compensation awards as indicated above have been in the range of **Four Thousand Dollars ($4000.00)** to **Ten Thousand Dollars ($10,000.00)**.

d) **Disqualification from driving** – The law allows for the Court, upon a conviction for an offence such as this involving a vehicle, to disqualify the Offender from driving for a stipulated period or permanently. This sanction however should not be applied in a rigid and inflexible way and should only be imposed in deserving circumstances.

Agreed Facts

[17] On the 9th of February 2022 at about 5:45 p.m., the Offender was driving a Cadillac SUV ("Cadillac") bearing license plate number CZL – C-10043, in Santa Elena Village, Corozal District exiting the Corozal Free Zone travelling towards the Northern Border Administration Building ("Northern Border").

[18] On that date, at that time, the victim Odiel Tzul was sitting about 50 meters outside the Corozal Free Zone. Odiel Tzul then got up and crossed from the left side of the road to the right-hand side when travelling from the Corozal Freezone Entrance to the Northern Border. Odiel Tzul made a complete stop at the median of the boulevard, which was an open space.

[19] At that time, the Cadillac driven by the Offender swerved to the left, and the front left portion of the Cadillac hit Odiel Tzul's body and flung him about 50 feet from where he was standing.

[20] Odiel Tzul laid face up on the ground and was bleeding from the back of his head and from his nose. The Offender continued driving and did not stop to render aid to Odiel Tzul.

[21] As the Offender continued driving, immediately after Odiel Tzul was hit; the Offender's vehicle collided into the front passenger side of a 2015 Foton Van ("Fonton Van") bearing License Plate number CZI-C-24506 in Santa Elena Village, on the left side of the road that leads to the Corozal Freezone Entrance when driving from the Northern Border.

[22] The Cadillac had its front wheel broken off and stopped at about 100 feet off the left side of the road when travelling in a direction from the Northern Border to the entrance of the Corozal Free Zone with the front of the vehicle facing towards the Northern Border and its rear facing towards the Corozal Free Zone. The Offender was unable to keep driving the Cadillac thereafter.

[23] At that time, Odiel Tzul was lying on the ground in a pool of blood when the Ambulance arrived and was then assisted by Medical Personnel and placed on board the Ambulance that rushed him to the Corozal Community Hospital.

[24] PC Fidencio Coc arrived to the area and visited the two scenes. He then investigated the accident involving the Fonton Van where the Offender introduced himself to PC Fidencio Coc, as the driver of the Cadillac.

[25] The Offender appeared at the time to be under the influence of alcohol as he had a strong aroma of alcohol coming out of his breath and was staggering. The Offender behaved in an aggressive and erratic

manner and as such he was detained and escorted to the Northern Border's Immigration Holding Cell while the Police Officers continued to process the scene.

[26] The Offender was escorted to the Corozal Police Station at around 6:30 p.m. on that same date. At the Corozal Police Station, the Offender refused to provide a urine or blood specimen as requested.

[27] On that same date, Odiel Tzul was transferred to the Karl Heusner Memorial Hospital and placed in the I.C.U. On the 10th of February 2022, Odiel Tzul entered into a coma.

[28] On the 10th of February 2022, the Offender was charged with the crime of "Driving motor vehicle without due care and attention", "Failing to keep as close as possible to the right-hand side of the road", "Failure to provide specimen", and "Failure to render aid".

[29] On the 16th of February 2022, Odiel Tzul succumbed to his injuries at the Karl Heusner Memorial Hospital and was pronounced dead by Dr. YiLing Hsu.

[30] On the 18th of February 2022, Ida Tzul identified the body of her son, Odiel Tzul. Dr. Roque Blanco then conducted a post mortem examination and concluded the cause of death to be Traumatic Brain Injury due to Blunt Force Trauma.

[31] On the 5th of June 2023, the Offender was arrested and charged with the offence of Manslaughter by Negligence.

[32] On the 4th of April 2024, the Offender was indicted for one count of Manslaughter by Negligence contrary to Section 116 read along with Section 108(1)(a) of the Code.

Victim Impact Statements

[33] The Court received two victim impact statements by means of affidavit from the mother and father of the deceased respectively.

[34]The father of the deceased Imer Tzul deposed that the victim as a loving, respectful, hardworking, independent and responsible child. He assisted with the chores and bills at home and had ambitions to go to the United States to study criminology. The victim was also a passionate conservationist and would participate regularly in clean up campaigns and promoted various civic pride awareness programs in Corozal Town. He was also a young entrepreneur having opened his own small Juice business at home and selling electronic devices that his family members sent for him from the United States. After the accident Mr. Tzul indicated that he fell into a severe depression for almost a year. He really misses his son and misses him more on birthdays and holidays.

[35]The mother of the deceased Ida Tzul also deposed to the victim being a loving respectful, hardworking, independent and responsible child. She spoke to having had to suffer the trauma of accompanying the deceased to the Karl Heusner Memorial Hospital, in Belize City for urgent treatment. When her son died she felt as if her entire world had come to an end. She fell into a severe depression upon his death and would often break down and cry. She had to receive counselling in order to cope with the pain.

[36]Both Mr. and Mrs. Tzul deposed to the fact that the family had received the sum of Thirty-One Thousand Four Hundred and Seventy-Seven Dollars and Forty-Three cents ($31,471.43) from the Insurance Corporation of Belize as compensation for the death of the victim. They had also received the sum of Two Thousand Five Hundred Dollars ($2,500.00) from the Offender.

The Mitigation hearing

[37]At the mitigation hearing the Offender called two witnesses:

a) **Sophia Arana** – Housewife – who testified that she knows the Offender from since he was a teenager and she always knows him to be a respectful, loving and caring person. She has been keeping abreast of the developments from this incident from the start as she is very close to his family. She further indicated that in her interacting with the Offender she has observed that he was very sorry for what had happened. She had also seen the effect that it had on him as a person and his career as a pilot.

b) **Naomi Cituk** – Supervisor – who testified that she has known the Offender from since he was a child and he has never been a problematic child. She has seen him grow into a humble and respectful man who does not give trouble.

[38] The Offender also gave a dock statement at his mitigation hearing where he apologized to the Tzul family and indicated that he understood that words could never undo the suffering that he caused them. He understood that his actions had no excuse and hoped that one day the Tzul family would forgive him. He further indicated that he regretted his actions so much that night and made a significant change in his life by stopping the drinking of alcohol to ensure that something like this would never happen again. He also apologized to the Court and to society and pledged to maintain his change in life so that he continues to make the right decisions.

Submissions by the Defence

[39] The Defence submitted that the Offender is 25 years of age and now getting established in his career. The Defence urged the Court to take note of the change in the Offender and that he has learned from his mistake. The Defence further pointed out that the Offender has taken responsibility and shown great remorse for his actions and this is something that the Court should pay considerable regard to. The Defence further submitted that the Court should have regard to the clean antecedent record of the Offender.

[40] On the issue of the discount for the guilty plea, the Defence submitted that the Offender ought to receive the full 1/3 discount for his plea which was made at the earliest possible opportunity. Further, the Defence submitted that this is not an appropriate case where the driving licence of the Offender should be suspended as it would affect his ability to get to the various airports to work as a pilot.

[41] The Defence further submitted that having regard to the fact that compensation was paid by the Insurance Company and a further sum by the Offender prior to the plea being taken, that this is not a circumstance in which additional compensation needed to be ordered by this Court.

Submissions by the Crown

[42]The Crown identified the following as aggravating features of the offence:

a) There was a failure to render aid by the Offender.
b) He continued on his way after hitting Odiel Tzul and then collided with another vehicle.
c) There was evidence of alcohol consumption contributing to the accident.
d) The Offender behaved in an erratic manner when questioned by the police officers.
e) The impact on the family of the deceased.

[43]The Crown further submitted the following as mitigating factors for the Court to take into account:

a) The Offender's clean antecedent record.
b) The Offender's early guilty plea.
c) Genuine remorse shown by the Offender.
d) Good Character evidence at the mitigation hearing on his behalf.

[44]The Crown also agreed with the submission by the Defence that the Offender's licence should not be revoked nor should further compensation be ordered.

Analysis

Starting Point

[45]In arriving at the starting point the Court is guided by the provisions of the **PSRASA** and the authorities cited above. The Court considers that the commission of this offence is not so serious that only a custodial sentence is justified for the offence. While Manslaughter by Negligence is a serious offence and carries a maximum sentence of five years, having regard to the facts of this offence and the judicial approach to sentencing for this particular offence, the Court is justified in its conclusion that a custodial sentence is not the only sentence justified for this offence. Further, considering the ideological aims of sentencing, the Court finds that on these particular facts the aims that take prominence are the retributive and deterrent aims.

[46]Pursuant to the guidance in **Persaud**, the Court considers the following aggravating features of the offence:

a) The Nature and Seriousness of the Offence.
b) Prevalence of the Offence.
c) The injuries to the deceased were extensive and resulted in him being in a coma before eventually passing away.
d) The Offender's negligent driving was done on a busy street in the 'Freezone' that is regularly frequented by members of the Belizean populace.
e) The Offender failed to stop to render aid to the deceased.
f) The Offender continued on and caused further damage to another vehicle before finally being forced to come to a stop.
g) While there is no evidence as to the blood alcohol level of the Offender on the night in question, it was accepted that alcohol played a part in the events that caused the death of the deceased.
h) The death of the deceased had a considerable effect on the deceased's family – emotional and economic.

[47] The Court has found no mitigating features of the offence.

[48]In this Court's opinion the commission of the offence, as outlined in the facts above despite the many aggravating features, does not fall into the category of the 'worst of the worst'. There is therefore no need to depart from the established range of sentences and judicial approach as set out in the authorities. Considerable regard is paid to the sentences handed down in **Espat** and **Montejo**. The Court has also had regard to the fact that the Offender is gainfully employed as a pilot and accordingly, the Court finds that a fine is an appropriate sentence in the circumstances. The Court further finds that an appropriate starting point is in the amount of **Sixteen Thousand Dollars ($16,000.00)**.

Consideration of the circumstances of the Offender

[49]At stage two of the suggested methodology in **Persaud**, a sentencing Court must then consider the aggravating and mitigating circumstances of the offender. In this case, the Court finds that there are no aggravating circumstances of the offender.

[50] The Court finds as mitigating circumstances of the offender the following:

a) His previous good character – The Offender has been described as hardworking, respectful, career driven and loving.
b) His genuine remorse.

[51] The Court therefore considers a downward adjustment in the amount of Two Thousand Dollars ($2000.00) is appropriate leaving a notional fine of Fourteen Thousand Dollars ($14000.00).

Discount for Guilty Plea

[52] The next issue that the Court must consider is the question of the appropriate discount for the guilty plea by the Defendant. The nature of the appropriate discount was discussed in **Persaud** where the court indicated:

> *"A guilty plea was in the public interest as it avoided the need for a trial, saved victims and witnesses from having to give evidence and saved costs.* ***Best sentencing practice suggested that the discount should be approximately one-third for a guilty plea entered at the earliest possible opportunity, with a sliding scale for later pleas to at least ten per cent****."* [emphasis mine]

[53] The quantum of the appropriate discount for the plea of guilty in the particular circumstances of this case turns on whether or not the Defendant can be said to have pleaded guilty at the earliest possible opportunity. The phrase 'earliest possible opportunity' ought not to be applied rigidly by the Court but must be given a contextual application appropriate to the circumstances of each case. The Court must assess the realistic opportunities, if any, that a Defendant had to plead guilty before the entering of the plea.

[54] In the instant matter the Offender asked for a sentence indication at his very first hearing before the High Court. He accepted the indication on the day that it was given and has not sought to engage in any wasteful use of the Court's resources or to inflict any further pain on the family of the deceased. The Court therefore finds that the Offender's plea was given at the earliest possible opportunity and awards

the full 1/3 discount which leaves a final fine of **Nine Thousand Three Hundred and Thirty-Three Dollars and Thirty Three cents ($9,333.33)**.

Credit for time served

[55] The issue of credit for time served in custody does not arise on the facts of this case.

Ancillary Orders

[56] In **Gonzalez**[14], the Court of Appeal also considered the approach of a sentencing court in respect of the disqualification from holding a drivers licence[15] of a person convicted of a driving offence. The Court of Appeal opined that there should not a rigid approach to the imposition of this sanction and it should only be imposed in circumstances which warrant such a sanction. The Court finds this statement of the law particularly useful and does not consider this an appropriate case for the disqualification of the Accused from holding a driver's licence.

[57] Compensation has already been made to the family of the deceased by the Insurance Company and the Offender. In those circumstances there is no need for this Court to order further compensation.

Disposition

[58] The Court's sentence is therefore as follows:

a) The Offender is fined in the amount of **Nine Thousand Three Hundred and Thirty-Three Dollars and Thirty-Three cents ($9,333.33) in default 2 years imprisonment**. **Time allowed for the Offender to pay the fine is three months from today's date**.

Raphael Morgan
High Court Judge
Dated 26th June 2024

[14] Para 21
[15] Pursuant to s91 of the Motor Vehicle and Road Traffic Act Cap 230