

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

**IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)**

INDICTMENT NO. CR2022002C

BETWEEN:

THE KING

and

HILDEBRANDT CODD

Before:

The Honourable Madame Natalie Creary-Dixon, J

Appearances:

Mr. Cecil Ramirez, SC for the Crown

Mr. Ellis Arnold SC and Mr. Bryan Neal, for the Accused

2024: October 24
November 12, 27
December 4, 10, 16

JUDGMENT ON SENTENCING

- [1]** **NATALIE CREARY-DIXON, J:** Hildebrandt Codd (the convicted man) was found guilty of the murder of Densmore Bowman (“the deceased”), on December 5, 2023, contrary to section 106 read along with section 117 of the **Criminal Code (“the Code”) Chapter 101 of the Substantive Laws of Belize, Revised Edition 2000.**
- [2]** Having escaped custody on December 5, 2023, the convicted man is being sentenced in absentia.
- [3]** The facts are that on November 29, 2019, the convicted man chopped the deceased to death with a machete, then disposed of the body in a shallow grave.
- [4]** The Court requested and was granted the following documents to assist with constructing a just sentence:
1. The victim impact statement
 2. The SIR
 3. The criminal history of the convicted man
 4. The psychiatric report; and
 5. The Kolbe report

The victim impact statement

- [5]** This statement detailed the courageous and heart-breaking efforts of the victim’s sister to find the body of her brother (the deceased). After playing the sleuth, with the help of the police, she was able to find his body. She stated that she still remembers the injuries on her brother’s body; she described him as a humble well-mannered person; she spoke of her mother, sister, and niece’s pain. Her brother was killed on her sister’s birthday which serves as a constant reminder each birthday. The deceased man’s daughter had a baby, which he will never see.

The Social Inquiry Report ‘SIR’

- [6]** Having been abandoned at birth, just like his father, the SIR tells the story

of the convicted man's aimless childhood; being raised in different households by different relatives. At the age of 14, he dropped out of school due to inadequate financial resources; nevertheless, as a teenager and young adult, his life became more stable, financially and otherwise. He excelled academically and earned a scholarship to the University of Belize where he completed his associate degree in Natural Resource Management. He completed the University of Belize. He worked with his father as a Junior Accountant, which enabled him to care for his twins. Prior to, and during his incarceration, the convicted man clearly had the support of his family.

The criminal history of the convicted man - The convicted man had little infractions with the law such as possession of controlled drugs in 2008; and no car insurance in 2021.

The Psychiatric Report - Listed him as fit and proper to stand the sentencing process with no mental illness.

The Kolbe report - The Kolbe report was most impressive; although it detailed three infractions in 2021, it also outlined that he completed the journey to Freedom Programme; he completed one of the Prison's Advanced Programmes more than once; and became a Facilitator for the RACHEL Programme in the prison. In short, it detailed that he held positions of trust and authority to some extent, whilst incarcerated.

THE LAW

[7] The Criminal Code Section 106 –outlines that
“ (1) Subject to subsection (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 subsection (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

... In determining the appropriate minimum term under subsection (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.”

[8] The Court of Appeal has diligently considered the sentencing for murder in Belize in Michael Faux et al v R Criminal Appeal Nos. 24-26 Of 2019, 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.”

[9] The case also referred to a few instances of the imposition of a fixed-term sentence and noted that these fixed sentences have only been imposed where there have been mitigating circumstances, warranting a lesser sentence.

[10] The case concludes that the trial judge has the discretion to determine whether to impose a sentence of life imprisonment or a fixed term sentence upon a conviction of murder.

[11] The case further concludes that for a conviction of murder, the practice is for a custodial sentence to be imposed. Case law also shows that the sentencing trend for murder 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.

[12] Where a sentence of fixed-term is imposed, the range is 25 – 35 years unless there are circumstances, when individualizing a sentence, which warrants a lesser sentence.” (emphasis added).

[13] The Court considers the guidance of the CCJ in the Barbadian case of **Teerath Persaud v R (2018) 93 WIR 132**. on the issue of the formulation of a just sentence, per Anderson JCCJ:

“ 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 identified the principle of individualized sentencing and proportionality as reflected in the Penal System Reform Act is upheld by taking into account the aggravating and mitigating circumstances particular (or peculiar) to the offender and the appropriate adjustment upwards or downwards can thus be made to the starting point. Where appropriate there should then be a discount for a guilty plea. In accordance with the decision of this court in **R v Da Costa Hall** full credit for the period spent in pre-trial custody is then to be made and the resulting sentence imposed.”

[14] This sentencing methodology is applied in the Eastern Caribbean Supreme Court Guidelines, which this Court will utilize in sentencing the convicted man Hildebrandt Codd, given that Belize does not as yet have

sentencing guidelines of its own.

[15] The Court is also guided by the decision of the CCJ in **Calvin Ramcharran v DPP 2022] CCJ 4 (AJ) GY.** where Jamadar JCCJ 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.

Constructing the sentence:

[16] The Court begins, following **Persaud**, by considering the aggravating features of the offending. These are:

1. There was the use of a weapon, namely a machete.
2. There were attacks to the head/face.
3. The killing could be properly described as brutal having regard to the injuries and manner in which the offence was carried out
4. This is a serious and prevalent offence in the Cayo District and Belize which needs to be deterred.

[17] The Court considered also the serious psychological scars left on the victim's family, especially the victim's sister who had to go looking for, and discover her brother's remains; she said in her victim impact statement that she still remembers the injuries he had on him; the fact that he disposed of the body in a shallow grave. Not once but twice: the second time was to dispose of it "properly"; this showed attempts to conceal what he did, plus the thought that went into this horrendous act.

- [18]** There are no mitigating features in relation to this offence.
- [19]** The Court must now consider a starting point. The range of sentence for murder as noted in Faux above, is a life sentence with a minimum term of between 25-37 years unless there are mitigating factors which would see a fixed term sentence being imposed.
- [20]** In this case, the Court would impose a life sentence with a minimum term of 31 years, given the aggravating features of this case, which far outweigh the mitigating features. The Court sees no reason to depart from the sentencing trend. The sentencing range is therefore on the upper end of the spectrum given that the Court finds this killing vicious, premeditated, and barbaric. The main witness in whom he confided, testified that after spending his last dime to lure his “friend to a bar and get him drunk, the convicted then led him to his car where he tied the feet of the deceased; when the deceased tried to escape, he chopped at his feet cutting off a few toes; thereafter, he attempted to decapitate him from the front of his neck; when that proved difficult, he turned over the deceased and continued the heinous act of decapitation, from the back of the neck. After that, the deceased was still not dead, and so he stabbed him in his chest.
- [21]** Whilst this is not the worst of the worst type of murder to merit a death sentence, it is indisputably barbaric and horrendous, evidencing the premeditated betrayal of the worst kind.
- [22]** The Court would now individualize the sentence. The prisoner has no current mental issues nor any history of mental illness.
- [23]** The aggravating factors in relation to the offender are (1) prison infractions. This is a sign of disregard for discipline. It is more concerning

that he completed a rehabilitation program 4 times, facilitated some, and then made good his escape; (2) the betrayal of trust and friendship; the steps taken to conceal the body and make sure he was never caught.

For this, the court will add 4 years

[24] The mitigating factors in relation to the offender are as follows: the fact that he has no prior convictions of this nature. He does have minor convictions which the court would be prepared to disregard. For this the Court would decrease the starting point by 1 year. The SIR also speaks favourably of him and details a life that was initially emotionally and financially unstable for him. It is also commendable that prior to the offense, he secured a scholarship and was gainfully employed as an Accountant. The Court finds that despite the unfavourable environment in which he grew up, the convicted man was still able to get on the right path and live a productive life; the fact that he chose thereafter to deviate from this path means that the Court is not inclined to deduct any sentence from the starting point.

[25] It would be a mitigating factor that he completed rehabilitation courses in prison. However, as mentioned before the Court will not discount the sentence for the fact of his actions, thereafter, negating any effort at rehabilitation. The sentence is therefore at 34 years.

TIME SPENT ON REMAND

[26] In accordance with the well-settled case of *Romeo Da Costa Hall v The Queen, 2011 CCJ 6 (AJ)*, the Court will deduct time spent on remand. The convicted spent 4 years on remand (from December 31, 2019, to December 5, 2023) when he made good his escape. This time will be deducted from the sentence of 34 years.

DISPOSITION

[27] The Court sentences Hildebrandt Codd to life imprisonment with a minimum term of 34 years before he is eligible for parole, for the crime of the murder of Mr. Densmore Bowman on November 29, 2019. This sentence takes effect on, December 16, 2024. The convicted man will however spend 30 years imprisonment before being eligible for parole, for time spent on remand,

Given this 16th day of **DECEMBER 2024**

[28] This is the Judgment of the Court.

Natalie Creary-Dixon, J
High Court Judge

By the Court Registrar