

**IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
IN THE HIGH COURT OF JUSTICE
(CRIMINAL)**

**GRENADA
CASE NO. GDAHCR2026/0052**

BETWEEN:

THE KING

AND

RUDOLPH HALL

Before:

The Hon. Mde. V. Georgis Taylor-Alexander

High Court Judge

Appearances:

Mr. Jerry Edwin of Counsel for the Defendant/Applicant

Mr. Howard Pinnock DPP of Counsel for the Crown

The Applicant/Defendant present via zoom from the Richmond Hill Prison

Kevin John, brother of the Defendant

Ruth John, mother of the Defendant

Claude Douglas, Sociologist.

2026: 7th August

JUDGMENT AND ORDER ON SENTENCING

Brief Facts

- [1] **TAYLOR-ALEXANDER J:** Rudolph Hall was convicted in July 1988 for the double murder of Benson Williams and Diane Marshall and sentenced to death, which was then the mandatory penalty. His conviction and sentence were affirmed by the Court of Appeal in May 1989. In September 1991, his sentence was commuted to life imprisonment by the Governor General, but despite a recommendation for release from

the prison review committee, the Minister for National Security objected, and Rudolph Hall remained incarcerated. Decades later, in October 2024, his Counsel filed a constitutional motion challenging the legality of the commutation. Heard in July 2025, the court found the commutation to be unconstitutional and ordered that Rudolph Hall remain in custody and be re-sentenced. Today's exercise fulfils that order.

- [2] In preparation for this sentencing exercise, the court directed the production of a social enquiry report, together with psychiatric and psychological assessments, to ensure that the sentencing determination is informed by a comprehensive evaluation of the offender's circumstances and prospects.

Social Enquiry Report

- [3] This report, prepared by the Probation Department of Grenada, presents a detailed account of the Defendant's background, offence, and rehabilitation. Hall, now sixty-two years old, admitted to taking a firearm from his brother, a PRA member, approaching the victims while they were in a vehicle in a romantic interlude, asking to join them. When they refused, he discharged the weapon, killing them both. These killings were senseless, depriving two young persons of their lives in their prime. The gravity of the offence is underscored by the unprovoked nature of the attack, the use of a firearm, and the devastating impact upon the victims' families and community.
- [4] The Defendant has expressed remorse, written apology letters, and has apologised before the court today. The report reflects that during his thirty-eight years of incarceration, Hall maintained steady prison employment, pursued education, mentored younger inmates, and accumulated savings. Prison officials describe him as a positive role model.
- [5] **Academic/Education:** He attended Grenville Anglican Primary and Grenville Junior Secondary School, leaving at age sixteen to work in construction. Later, while incarcerated, he sat the School Leaving Examination in 1995 and says that he placed fourth on the island, securing passes in Biology, History, and Commerce. He also taught school leaving classes to other inmates for about six years.

- [6] **Employment:** Before imprisonment, he worked in construction with his stepfather. During incarceration, he has consistently held jobs within the prison system, including construction work, teaching, and, for the past eight years, serving as a bookkeeper in the prison. He has also worked in the canteen and reception department. Prison officials describe him as diligent and a positive role model.
- [7] **Financial Status:** Hall reported having approximately fifteen thousand dollars (\$15,000.00) in savings, accumulated steadily from his prison employment over the years.
- [8] Both his mother and brother attest to his transformation and readiness to reintegrate, and they have offered housing and employment support. Community members are divided. Some express that after an extended period of incarceration he has been rehabilitated, while other community members express discomfort with him returning to the community.
- [9] The report also records that Rudolph Hall escaped custody following Hurricane Ivan in September 2004, when His Majesty's Prison at Richmond Hill Prison was destroyed and the island of Grenada was devastated. Along with other inmates, he left the compound and travelled to St. Vincent and the Grenadines, where he reportedly obtained employment for about one month before being apprehended. Prison officials noted that during this period he did not commit any offences while in St. Vincent.
- [10] The probation officer assesses Hall as having a low risk of reoffending, citing protective factors such as family support, education, employment, and remorse, with the risk factors being the seriousness of the offence committed with a firearm, that it was an offence of sexual violence.

Victim Impact Reports

- [11] The victim impact evidence is deeply moving. Mrs. Thelma Marshall, mother of Diane Marshall, described the devastating consequences of her daughter's death at age nineteen. She recalled the shock of learning Diane had been shot, the anguish of seeing

her injured but still conscious at the hospital, and the crushing grief when she succumbed to her wounds a week later. Mrs. Marshall emphasised that Diane and her fiancé Benson were innocent strangers who had done nothing to provoke the attack, yet their lives were abruptly ended. She spoke of profound emotional suffering, including sleeplessness, weight loss, and overwhelming sorrow, compounded by the loss of her firstborn child who had her future ahead of her and the lasting void left in their lives. The family endured financial strain in arranging the funeral, though their priority was ensuring dignity in burial.

The Psychiatric Report

- [12] The psychiatric evaluation conducted by Dr. Dirk Burkhardt provides a detailed forensic assessment of Rudolph Hall's mental health, criminal responsibility, and risk of future violence. The report concludes that Mr. Hall is mentally well, cognitively intact, and free from any major psychiatric disorder. He was found cooperative, respectful, and emotionally stable during the evaluation, with good insight, judgment, and impulse control. His remorse for the offences was described as profound and genuine, and he consistently accepted full responsibility for the deaths. Dr. Burkhardt reviewed Hall's personal history, noting a stable family background, limited education, and vocational achievements during incarceration, including O-Level qualifications and trusted roles as an institutional bookkeeper at the prisons. His medical history revealed no chronic illnesses, and his substance use was limited to adolescent experimentation with marijuana and a brief psychotic episode induced by *Datura* ingestion (commonly referred to as "Joy Juice"), which resolved without recurrence. The structured HCR-20 risk assessment categorised Hall's historical risk as high due to the double homicide, but his current clinical risk as very low, with no active psychiatric symptoms, and his future risk management as low, provided reintegration occurs with supervision and family support. Importantly, the evaluation ruled out chronic psychotic disorders such as schizophrenia, and his long-term stability and cognitive preservation disprove such diagnoses. On criminal responsibility, Dr. Burkhardt offered two interpretations: the most probable being that Hall retained full responsibility at the time of the offence, with his actions reflecting immaturity and poor impulse control rather than mental illness. A less

likely alternative suggested a possible brief psychotic episode, but the absence of recurrence over thirty-eight years makes this explanation improbable.

- [13] Dr. Burkhardt found Hall fit to participate in sentencing proceedings, not a danger to himself or others due to mental illness, and highly rehabilitated. The prognosis was described as excellent, with strong family support and vocational skills to aid reintegration.

Psychological Report

- [14] A psychological assessment was conducted by Josh Hector, MSc Licensed Psychologist of Optimal Solutions, relying on the following sources of information; clinical interview with Mr. Rudolph Hall; Collateral interview with Mr. Leon Cornwall, Prison Counsellor, His Majesty's Prison; Review of the Judgment of the High Court in Hall v Attorney General of Grenada (Claim No. GDAHCV2024/0410); Review of the available institutional records, including disciplinary and rehabilitation records; Review of historical psychiatric and medical records maintained during Mr. Hall's incarceration.
- [15] The psychological report presents Rudolph Hall as a man who has undergone significant rehabilitation during his thirty-eight years of incarceration. The evaluation found him cooperative, emotionally stable, and deeply remorseful, with a high level of insight into the immaturity and poor judgment that led to the offences. He consistently accepted responsibility without minimisation, expressed genuine regret for the victims' deaths, and articulated prosocial attitudes toward conflict resolution, emphasising communication and restraint over aggression. Importantly, he demonstrated realistic plans for reintegration, including stable accommodation, family support, and employment opportunities.
- [16] Collateral evidence from Prison Counsellor Leon Cornwall reinforced these findings, describing Hall as emotionally mature, remorseful, and a positive influence within the prison community. Cornwall noted that Hall has never exhibited a pattern of institutional violence and has instead served as a mentor and leader in rehabilitation programs,

including the Big Brother Programme. His disciplinary record was generally stable, with minor infractions contextualised as non-violent and not indicative of ongoing risk.

- [17] The professional opinion of the psychologist concluded that while the double homicide remains a serious historical factor, Hall no longer demonstrates the psychological characteristics associated with a significant risk of future violence. At sixty-one years old, he shows emotional restraint, reflective thinking, and strong protective factors such as family support, vocational skills, and genuine remorse. Ultimately, the report assessed him as presenting a low risk of future serious violence, provided reintegration occurs with appropriate supervision and support.

Plea in Mitigation:

- [18] The Defendant addressed the Court in mitigation. He apologised and expressed deep sorrow for the pain and suffering caused by his actions. He accepted full responsibility, emphasising that he has never sought to excuse his conduct and acknowledged that nothing he can say or do will undo the harm or restore the lives lost. He described the transformative effect of nearly four decades in custody has had on him. He entered prison as a young man and is now an older man who has spent most of his adult life incarcerated. He stated that those years have taught him patience, humility, and the value of human life. He highlighted his efforts during incarceration to work diligently, respect prison authorities, and be a positive influence on fellow inmates.
- [19] The Defendant expressed gratitude to his family for their unwavering support, to prison officers and staff for their fairness, and to members of the church and other visitors who encouraged his growth. He indicated that, if released, he intends to live quietly and respectfully, supporting his family and making constructive use of his remaining years. He asked the court to judge him not only by the offence committed in his youth but also by the life he has lived during his imprisonment and the person he has become. He acknowledged that no sentence can undo the harm caused, but he hopes his conduct demonstrates that genuine change is possible. He respectfully requested the opportunity to spend his remaining years peacefully with his family.

Character Witnesses

- [20] Ruth John (Mother of Rudolph Hall), describes Hall's upbringing in a disciplined, God-fearing household, with a close bond with his siblings. The events leading to his conviction were a shock to the family, as she had never known him to be violent. Over thirty-eight years of imprisonment, she has observed profound changes in him; he has become calmer, more humble, and deeply remorseful. He has consistently accepted responsibility for his actions and expressed sorrow for the victims' families. Ruth John stresses that if released, Hall would live with her in Seagoon, St. Andrew, where he would have strong family support to reintegrate into society. She believes he has paid a heavy price, changed profoundly, and deserves the opportunity to live the remainder of his life as a law-abiding citizen.
- [21] Claude Joseph Douglas, a Sociologist and Lecturer, recounts knowing Hall since childhood, describing him as quiet, soft-spoken, and raised in a supportive community environment. He recalls the shock in their village when Rudolph was arrested, as he had no prior history of violence. Douglas later reconnected with him during prison ministry visits and found him respectful, reflective, and caring, even showing paternal concern for his son. He emphasises that rehabilitation and transformation are possible, and in his view, Rudolph has changed fundamentally during his thirty-eight years of imprisonment. Douglas believes Rudolph is no longer a threat to public safety and is ready to reintegrate into society, supported by family and community ties.

SENTENCE

- [22] Using the Eastern Caribbean Supreme Court Sentencing Guideline for Homicide Offences and Practice Direction No. 3 of 2021 reissued on 6th January 2025. A conviction of an adult for the offence of murder may result in (a) a sentence of death where lawful; (b) a whole life sentence; (c) a determinate sentence; or (d) detention at the court's pleasure where an offender has been found to be insane or suffering relevant mental illness. The last of these sentences is inapplicable in this case

Defendant's Submissions on an appropriate Starting Point Sentence

[23] The Defence argues that Hall has never received the individualised judicial sentencing hearing to which he was entitled, and the court must now determine a sentence that is just, and proportionate, and constitutionally appropriate after nearly thirty-eight years of continuous incarceration, and they rely on the authorities of **Reyes v The Queen**¹, **R v Hughes**², **Fox v The Queen**³, and **Coard v Attorney General of Grenada**⁴, cases that have collectively dismantled the legal foundation for automatic death sentences in the region, in favour of an approach that requires courts to weigh aggravating and mitigating circumstances before imposing capital punishment. While recognising the gravity of the offences, the Defence submits that the focus must be on Hall's present circumstances, and his demonstrated rehabilitation. The Defence submits that Hall should be sentenced as he now appears before the court.

[24] Applying the Sentencing Guidelines, the Defence submits that the death penalty is unavailable and a whole life sentence would be disproportionate. Whole life sentences are reserved for the most exceptional cases, and despite the Defendant having committed a double murder, the guidelines do not mandate the imposition of the death penalty or a whole life sentence in every instance of double murder. Instead, the court must consider the offender's personal circumstances, the fact that he has been rehabilitated, his age, mental health, and whether he presents a risk to the society. The Defendant is no longer the young man convicted in 1988 but a rehabilitated middle-aged man with decades of positive institutional history. The Defence argues that the purposes for imposing a sentence of imprisonment; punishment, deterrence, protection of the public, and rehabilitation have already been substantially achieved.

¹ [2002] UKPC 11

² [2002] UKPC 12

³ [2001] UKPC 41

⁴ Civil Appeal No 10 of 2004

[25] In that regard, the Defence submits that the Defendant's lengthy imprisonment; the significance of his rehabilitation; the psychiatric and psychological assessments, and social inquiry report; are all relevant in determining an appropriate starting sentence. They submit that as regards the principle of proportionality, the Defendant's thirty-eight years in custody equates to approximately fifty-seven years of a determinate sentence under Grenada's remission rules, which should carry substantial weight in deciding the appropriate starting sentence and whether further imprisonment is necessary.

[26] The Defence submits that the appropriate sentence in this case must be a determinate sentence or alternatively one that renders Hall immediately eligible for release. They contend that imposing a whole life sentence now would be unconstitutional, disproportionate, and inconsistent with both the Sentencing Guidelines and modern principles of justice.

The Prosecution's Submissions

[27] In its sentencing submissions, the prosecution argued that the murders committed by Hall were exceptionally serious, brutal, and unprovoked, warranting the highest penalty available under modern law. They emphasised that Hall shot two young victims with an illegal firearm after one of them resisted his demand for sexual gratification, describing the act as "sheer evil." The Director of Public Prosecutions highlighted the classical principles of sentencing: retribution, deterrence, prevention, and rehabilitation and stressed that the gravity of the offence and its impact on the victims' families and the wider community demanded a sentence that reflected society's condemnation.

[28] The prosecution submits that the appropriate starting point was a whole life sentence, given the exceptionally high seriousness of the offence. They also cited aggravating factors: the youth and vulnerability of the victims, the isolated location, and the use of a firearm to threaten compliance. While acknowledging Hall's prior good character and long incarceration, they argued that rehabilitation must be viewed in the context of a controlled prison environment, where he had still breached rules over the years.

[29] The Crown relies on **R v Stewart, Couzens, Tustin, Hughes and Monaghan**⁵, where the Court of Appeal emphasised at paragraph [19] of that judgment that when assessing the seriousness of an offence for sentencing purposes, the court must consider both the harm caused and the offender's culpability. Thus, while death is the greatest harm known to the criminal law, the punishment must reflect both the harm and the offender's blameworthiness.

[30] The Learned DPP also relied on **Renaldo Anderson Alleyne v the Queen**⁶ in a judgment delivered by Mr. Justice Anderson JCCJ at paragraph [45] to support his contention that rehabilitation is only one of the sentencing principles and the court is required to have regard in this case to all. Mr. Justice Anderson JCCJ said:

"....Rehabilitation is one of the aims of sentencing and a very important aim, but not the only one and in some circumstances, not the overriding one. The classical principles of sentencing reference three others: retribution, punishment, deterrence; a more modern formulation would be content only to reference punishment, deterrence and rehabilitation. Further, the Penal System Reform Act does not state the weight to be accorded by the sentencing judge to any of the proper objectives of sentencing"

[31] The Learned DPP urges the court to exercise its discretion in favour of a whole life sentence, contending that Hall had deprived two young people of their futures without provocation, and that justice required a punishment proportionate to the enormity of the crime.

Analysis and Determination of an appropriate Starting Point

[32] In considering the appropriate sentence for Rudolph Hall, I am guided by the Eastern Caribbean Supreme Court Sentencing Guidelines for Murder and the Practice Direction No. 3 of 2021. The offence is grave: the killing of two young persons by firearm, in circumstances that were unprovoked and carried the disturbing suggestion of sexual exploitation. It is accepted by both sides, that the death penalty, though once mandatory

⁵ [2022] EWCA Crim 1063

⁶ [2019] CCJ 06 (AJ)

for offences of Murder, is now discretionary. By the evolution of judicial precedent and constitutional principle, it is an inappropriate and unwarranted punishment in the present case. While the offence involves a double murder in disturbing circumstances, it does not meet the criteria set out in section 3 of Practice Direction No. 3 of 2021 for the imposition of the death penalty.

- [37] The social enquiry report, together with the psychiatric and psychological evaluations, and the prison records, satisfy me that the offender has undergone genuine rehabilitation. The objectives of punishment, retribution, deterrence, and protection of society, can be met otherwise than by the imposition of the death penalty. Moreover, such a penalty would not have been appropriate in any event, having regard to the principles articulated in Practice Direction No. 3 of 2021, which reserve capital punishment for cases that are the “worst of the worst” or the “rarest of the rare.” This case does not begin to touch that threshold. In **R v Trimmingham**⁷, the Privy Council identified two principles that must be followed: First, that the death sentence should be imposed only in cases which, on the facts, are the most extreme and exceptional “the worst of the worst” or “the rarest of the rare.” In considering whether a particular case falls into that category, the judge must compare it with other murder cases, not with ordinary civilised behaviour. Second, for the death sentence to be imposed, there must be no reasonable prospect of reform of the offender, and the object of punishment could not be achieved by any means other than the ultimate penalty of death. The character of the offender and any other relevant circumstances are to be taken into account insofar as they may operate in his favour by way of mitigation and are not to weigh against him.
- [38] For the reasons already outlined namely the offender’s rehabilitation, genuine remorse, and compelling evidence of reform, the court is satisfied that the imposition of the death penalty in this case would be inappropriate.

⁷ [2010] 1 LRC 205

Consideration of a whole life sentence

- [39] A whole life sentence is the starting point where the seriousness of the offence is exceptionally high and the offender was an adult at the time of commission. The guideline provides examples of circumstances that may elevate an offence to this level of seriousness, including the murder of two or more persons, murders involving sexual or sadistic conduct, and murders committed with firearms.
- [40] In the present case, Mr. Hall was twenty-three years old at the time of the offence and therefore an adult. The facts reveal that he shot and killed two young victims, Benson Williams and Diane Marshall, after attempting to coerce Miss Marshall into sexual activity at gunpoint. The offence involved the use of an illegal firearm, multiple shots fired into a vehicle, and the deaths of two persons. These elements fall squarely within the categories identified by the guidelines as constituting exceptionally high seriousness. On this basis alone, the case qualifies for consideration of a whole life sentence. However, sentencing is not a mechanical exercise, and sentencing should also allow for judicial consideration of factors relevant to the offender not just the offending. The Defence argues that sentencing must be individualised and proportionate. I agree. The cases referenced above at paragraph [23] certainly support that contention. In **R v Hodgson**⁸ the Court of Appeal outlined the circumstances in which a sentence of life imprisonment (equating to a whole life sentence) is merited. The court found that the offence must be grave enough to warrant a very long sentence; The nature of the offence or the defendant's history must show that he is unstable and likely to commit such offences in the future; and if the offences are committed again, the consequences to others may be specially injurious or dangerous to life and limb, such as in sexual offenses or violent crimes. Our guidelines do not reference such criteria neither does it preclude such consideration. Accordingly, while the offence meets the threshold for exceptional seriousness, the court must consider whether imposing a whole life sentence at this stage would be disproportionate.

⁸ (1967) 52 Cr App R 113.

- [41] Hall has already served thirty-eight years in custody, which Defence Counsel argues under Grenada's remission rules equates to a determinate sentence of approximately fifty-seven years. During this period, he has demonstrated profound personal change, as evidenced by psychiatric and psychological evaluations, which describe him as remorseful, emotionally stable, and presenting a low risk of future violence. Character witnesses further attest to his rehabilitation and strong family support awaiting him upon release.
- [42] The constitutional breaches surrounding his original sentence and the compelling evidence of rehabilitation weigh against a penalty of a whole life sentence. The court is required to balance the seriousness of the offence against the offender's personal circumstances, history, and the passage of time.
- [43] The psychiatric and psychological evaluations confirm that Hall is mentally stable, emotionally mature, and deeply remorseful. He has consistently accepted responsibility, expressed genuine regret, and demonstrated prosocial attitudes. Prison officials describe him as a positive role model, consistently employed, and a mentor to younger inmates. His disciplinary record is stable, and he has accumulated savings through lawful prison employment. He has no prior convictions, maintains strong family support, and has realistic reintegration plans including housing and employment. These protective factors, coupled with his age, reduce the risk of future offending. Both professional assessments categorise him as low risk of serious violence.
- [44] The court acknowledges the profound victim impact: the loss of two young lives, the enduring grief of their families, and the community shock. These harms weigh heavily in aggravation. Yet sentencing must not be retributive alone; it must also recognise rehabilitation where it is genuine and sustained. In **Calvin Ramcharran v DPP**⁹, Jamadar JCCJ reminded that sentencing serves multiple aims: punishment, deterrence, prevention, and rehabilitation. The rehabilitative aim is not to be overlooked, particularly where the evidence demonstrates genuine reform.

⁹ [2022] CCJ 4 (AJ) GY

[45] Although the offence under the guideline may be considered for a whole life sentence, the balance of justice favours the imposition of a determinate sentence within the guideline range. Such a starting point sentence recognises both the gravity of the crime and the demonstrable rehabilitation of the offender. To impose a whole life term now would be disproportionate, as the punitive and deterrent purposes of sentencing have already been substantially fulfilled. In these circumstances, a determinate sentence of forty years within the range of thirty years to fifty years would better reflect the principle of proportionality, individualised sentencing, and contemporary constitutional jurisprudence.

Sentence for the Murder of Diane Marshall

[46] **Aggravating Factors of the Offence**

- The Defendant took advantage of the vulnerability of the deceased female.
- The location was geographically isolated near the old airfield, what has now developed to be the Maurice Bishop International Airport.
- The Defendant used the firearm to unsuccessfully coerce the deceased to perform sexual favours.
- The offence was unprovoked.
- The Victim did not die immediately and suffered from some time before death.
- It was an offence committed with a firearm.

[47] **Mitigating Factors of the Offence**

- There are no mitigating factors of the offence.

[48] I have given one (1) year for each of the factors. After cancelling out, an upward adjustment of six (6) years to the starting point is required. Taking the Sentence to forty-six (46) years.

[49] **Aggravating Factors of the Offender**

- There are none.

[50] **Mitigating Factors of the Offender**

- The Defendant is of previous good character.
- The Defendant has shown genuine remorse.
- The Defendant is rehabilitated.

[51] I have given one (1) year for each of the factors. After cancelling out, this requires a downward adjustment of three (3) years to the sentence, taking the sentence to forty-three (43) years.

Guilty Plea

[52] A discount for plea is unavailable to a Defendant who has been tried by jury and found guilty at trial, the rationale being that such a discount is reserved for those who acknowledge their guilt at an early stage and thereby save the court both time and resources. At the time of the Defendant's trial for murder, the law precluded a plea of guilty to capital offences. That position has since changed. The evidence in this case demonstrates that the Defendant confessed to the police at the outset and acknowledged his guilt from the beginning. Under the current regime, a discount for an early guilty plea is appropriate where a determinate sentence is contemplated and the Defendant enters a plea of guilty. I see no reason why the Defendant should not benefit from such a discount. Accordingly, the Defendant is entitled to a one-third reduction from the sentence of fourteen (14) years and four (4) months. The adjusted sentence is twenty-eight (28) years and eight (8) months.

Time on remand

- [53] The Defendant had been remanded for three (3) months prior to his trial. He is therefore to serve twenty-eight (28) years and five (5) months.

Sentence for the murder of Benson Williams

[54] **Aggravating Factors of the Offence**

- The location was geographically isolated.
- The Defendant used the firearm in to unsuccessfully coerce the deceased to perform sexual favours.
- The offence was unprovoked.
- The offence was committed with a firearm.

[55] **Mitigating Factors of the Offence**

- There are no mitigating factors of the offence.

- [56] I have given one (1) year for each of the factors. After cancelling out, an upward adjustment of four (4) years to the starting point is required. Taking the sentence to forty-five (45) years.

[57] **Aggravating Factors of the Offender**

- There are none.

[58] **Mitigating Factors of the Offender**

- The Defendant is of previous good character.
- The Defendant has shown genuine remorse.
- The Defendant is rehabilitated.

- [59] I have given one (1) year for each of the factors. After cancelling out, this requires a downward adjustment of three (3) years to the sentence, taking the sentence to forty-two (42) years.

Guilty Plea

- [60] As previously stated at paragraph [52], the law at the time precluded the Defendant from pleading guilty to the offence as it was a capital offence. The evidence nevertheless suggests that the Defendant made a confession to the police and acknowledged his guilt from the outset. The Defendant is to benefit from a one-third (1/3) discount of the sentence of fourteen (14) years. He is therefore to serve twenty-eight (28) years.

Time on remand

- [61] The Defendant had been remanded for three (3) months prior to his trial. He is therefore to serve twenty-seven years and nine (9) months.

Application of the Totality Principle

- [62] The Director of Public Prosecutions has correctly submitted that the offences arise out of a single criminal transaction. Section 80(1) of the Criminal Code of Grenada stipulates that where one act affects several persons or things, the person shall not be punished separately in respect of each person or thing affected, but the act may be treated as one crime, rather than treating each count of murder as warranting wholly independent penalties.
- [63] On the application of the Sentencing Guidelines for Murder, the appropriate sentence for the murder of Diane Marshall is forty-six (46) years before discount for plea, resulting in twenty-eight (28) years and five (5) months after discount. For the murder of Benson Williams, the guideline sentence is forty-three (43) years before discount for plea,

resulting in twenty-seven (27) years and nine (9) months after discount, with these sentences to be served concurrently.

- [64] This matter comes before the court as a resentencing hearing. The Defendant has already served thirty-six (36) years under the original sentence, lawfully imposed. In considering the appropriate disposition, the court notes the Defendant's good behaviour in custody, and there is no reason to assume that he would not have benefited from remission under the statutory regime. The consequence of resentencing under the current framework is that the Defendant has already served a sentence deemed proportionate and appropriate for his crimes. The punitive and deterrent purposes of sentencing have been substantially fulfilled. Moreover, the rehabilitative evidence before the court is that the Defendant has demonstrated remorse, stability, and positive conduct over an extended period of incarceration.

SENTENCE

- [65] Accordingly, and in disposition of the two offences of Murder presently before this court, the court finds that the appropriate sentence is one of time served.
- [66] This matter is to come on at further review on the 18th of November 2026 to assess the adjustment of the Defendant to life on the outside of Her Majesty's Richmond Hill Prison.

Justice V. Georgis Taylor-Alexander
High Court Judge

BY THE COURT

REGISTRAR

