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COMMONWEALTH OF THE BAHAMAS  
IN THE COURT OF APPEAL  
SCCrApp & CAIS No. 89 of 2009

The Attorney General

Applicant

vs

Latherio Jones

Respondent

(Application)

Before: The Rt Hon Dame Sawyer, President  
The Hon Mr Justice Blackman, JA  
The Hon Mr Justice John, JA

Ms. Jillian Williams, with Miss. Olivia Blatch,  
Counsel for Appellant  
Mr. Richard Boodle, Counsel for Respondent

31 May 2010

1 The oral judgment of the court was delivered by

2 Sawyer, P:

3 This is an application for leave to appeal against  
4 the sentence of three years' probation imposed by the learned  
5 trial judge in the Supreme Court. The respondent was  
6 originally charged with murder but was convicted of  
7 manslaughter on the apparent grounds of provocation. He had  
8 spent almost five calendar years in custody awaiting trial.  
9 He was 18 years old at the time of the incident.

10 The Crown seeks leave on the basis that the learned  
11 judge erred in principle in that the sentence imposed in all  
12 the circumstances of the case was unduly lenient because the  
13 respondent had taken the steps of arming himself and then  
14 going to the room of the deceased and shooting him in the head  
15 after a second or more advance of a homosexual nature had been  
16 made to him by the deceased.

17 The court has taken into consideration all that  
18 could be said on behalf of the Crown in relation to this  
19 application. We are not minded to accept their submissions  
20 because (i) the respondent was 18 years of age, just past his  
21 majority. That in itself is a mitigating factor even with  
22 regard to provocation which itself mitigates; (2) there is no  
23 dispute by the Crown that there was a homosexual advance to  
24 him shortly before he shot the deceased and that was not the  
25 only such advance. It was pointed out to counsel for the

1 applicant that had he killed him immediately, that would be  
2 a case of self defence, because one is entitled to use  
3 whatever force is necessary to prevent one's self being the  
4 victim of a homosexual act.

5 In the circumstances, the learned judge took all  
6 those matters into account, and bearing in mind that he had  
7 already spent almost five calendar years in custody, he  
8 decided that a further three years of supervision by the  
9 authorities would be of benefit to the respondent.

10 In the circumstances, we are not minded to grant  
11 leave to appeal against the sentence as we see nothing wrong  
12 in principle with the approach of the learned judge.

13 The application is therefore dismissed. The  
14 sentence imposed by the learned judge is affirmed.

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Dated this 31st day of May, 2010

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SAWYER, P

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