

**IN THE EASTERN CARIBBEAN SUPREME COURT  
ANTIGUA AND BARBUDA**

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

**CASE NO. ANUHCR 2022/0064**

**BETWEEN:**

**THE KING**

**and**

**LINSOME BOYD**

**Appearances:**

Mrs. Shannon Jones-Gittens, Counsel for the Crown  
Mr. Andrew O’Kola, Counsel for the Defendant

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2023: March 3<sup>rd</sup>, 7<sup>th</sup>

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**JUDGMENT ON SENTENCING**

- [1] **WILLIAMS, J.:** The defendant, Mr. Linsome Boyd, on the 10<sup>th</sup> February, 2023 entered a guilty plea to murder in relation to the late Ms. Althea Henry and guilty to wounding with intent to do grievous bodily harm to Ms. Henry’s son, Mr. Tajma Francis.
- [2] Both charges were based on an incident that occurred on Sunday 20<sup>th</sup> June, 2021 at Cashew Hill, in the Parish of Saint John, Antigua and Barbuda. Mr. Boyd cohabited with Ms. Henry at her house at Cashew Hill. Ms. Henry’s two sons – Mr. Francis, who is the virtual Complainant in the wounding with intent matter and Mr. Taliek Henry – also lived at the house.
- [3] Following Mr. Boyd’s guilty plea, the case was adjourned for the Learned Director of Public Prosecutions (acting), Mrs. Shannon Jones-Gittens, to present on behalf of the Crown the facts in relation to the incident. The facts were presented on the 20<sup>th</sup> February, 2023. Mr. Boyd accepted the facts and he was convicted in accordance with his guilty pleas.
- [4] Sentencing was adjourned to 28<sup>th</sup> February, 2023. That hearing had to be vacated to permit Mr. Boyd to go to the Sir Lester Bird Medical Center (SLBMC) to receive emergency care. The sentencing hearing was rescheduled to Friday 3<sup>rd</sup> March, 2023.

**Background**

- [5] The defendant, Mr. Boyd, also known as ‘Tony’, was born in Jamaica. He migrated to Antigua and Barbuda. He commenced an intimate relationship with Ms. Henry in 2016. Subsequent to the

commencement of the relationship with Ms. Henry, Mr. Boyd moved into Ms. Henry's home at Cashew Hill.

- [6] According to the facts that were presented by the Crown and accepted by the Defendant, the relationship with Ms. Henry was visited with jealousy and violence. Mr. Boyd in 2017 was remanded to prison for a little more than a year in relation to an incident in which he was accused of injuring Ms. Henry. Mr. Boyd was not convicted in relation to that matter. Upon Mr. Boyd's release from prison, he resumed living with Ms. Henry.
- [7] Sometime after Mr. Boyd returned to the Cashew Hill residence, arguments between himself and Ms. Henry resumed. Mr. Boyd also had issues with someone who was transporting Ms. Henry on errands and voiced his disgust in relation to the friendship between Ms. Henry and a particular neighbour.
- [8] On the afternoon of 19<sup>th</sup> June, 2021 – the day before the fateful incident – there was an argument between Mr. Boyd and Ms. Henry after Ms. Henry called a friend to transport her to the supermarket. That individual was someone about whom Mr. Boyd and Ms. Henry previously argued.
- [9] On Sunday 20<sup>th</sup> June, 2021 Mr. Francis, then aged 21 years, went to work at about 5:00 am. He did not see his mother or Mr. Boyd before he left home but he heard the fan on in their bedroom. His younger brother, Taliek, aged 19 years was at their grandmother's home.
- [10] Mr. Francis returned home about 4:00 pm. The front door to the house was locked. It was not usual for this door to be locked. He however entered the house through the kitchen. Mr. Boyd was in the kitchen wiping down the counter.
- [11] The Defendant, in response to queries from Mr. Francis said that Ms. Henry was up by her mother and that Taliek was in Mr. Francis' bedroom with a girl, so he must not go in there. Mr. Boyd then gave Mr. Francis some money to go and purchase smoking paraphernalia at the shop. Mr. Francis left to do so.
- [12] When Mr. Francis returned from the shop, he questioned Mr. Boyd as to why the front door was locked. Mr. Boyd replied: "Just now... I'm looking for the key." Mr. Boyd had a knapsack with him. He then said: "hey, look here." Mr. Boyd had a cutlass and proceeded to administer chops to Mr. Francis.
- [13] Mr. Francis ran out of the house. Ms. Jianna Joseph who was driving by saw Mr. Francis running out of the house holding his head; he appeared to be bleeding. Ms. Joseph also saw Mr. Boyd run from the back of the house. Ms. Joseph transported Mr. Francis to the hospital.
- [14] Efforts were then made to contact Ms. Henry. Someone visited the house and found the door to Mr. Francis' bedroom locked. The door was kicked in and Ms. Henry's body was seen on the floor. What appeared to be blood was also where she was.
- [15] The police in processing the scene recovered a knife which was lying close to Ms. Henry's head, as well as a cutlass from the kitchen floor.

- [16] The following morning on Monday 21<sup>st</sup> June, 2021 Mr. Boyd attended the Saint John's Police Station. He informed the police officer on duty that he was turning in himself in relation to "the murder in Cashew Hill. I killed my wife."

### **The Injuries**

- [17] The pathologist, Dr. Lester Simon, performed a postmortem on the body of the deceased, Ms. Henry about a month after the incident on 20<sup>th</sup> July, 2021 at the Holberton Hospital autopsy room.
- [18] Dr. Simon concluded that Ms. Henry's death was due to the laceration of the trachea.
- [19] In terms of injuries, Dr. Simon noted the laceration to the trachea and a "puncture wound to and through left chest." Other signs of violence were lacerations to both the right and left hands.
- [20] According to the medical report of Dr. Vonetta George of the then Mount St. John Medical Centre (now SLBMC), Mr. Francis received "multiple lacerations to [the] face, back and head."
- [21] According to Dr. George's report, when Mr. Francis arrived at the Emergency Department on 20<sup>th</sup> June, 2021 he had: "Approximately 9cm long deep degloving laceration above the left eye extending over [the] nasal bridge and down to [the] frontal bone/orbit, with active bleeding and periorbital oedema."
- [22] A CT scan of the brain and facial bones, cervical spine and chest, disclosed fractures to the right parietal bone, left zygomatic bone, left maxillary bone including nasolacrimal duct, and the nasal bone.
- [23] Mr. Francis underwent emergency surgery. He was discharged from the hospital five days later on 25<sup>th</sup> June, 2021.

### **Mr. Boyd's Statements**

- [24] The same day Mr. Boyd turned himself in to the police, (21<sup>st</sup> June, 2021) he was taken to the Langford Police Station. While at the Langford Station, Mr. Boyd was cautioned and told of his right to remain silent. Mr. Boyd went ahead and gave a statement to Inspector of Police Theodore Horne. That was between 11:50 am and 12:10 pm on the 21<sup>st</sup> June, 2021.
- [25] Mr. Boyd, in his caution statement, explained that he got into an altercation with Ms. Henry about money on the day of the incident. Mr. Boyd stated that his mother died in Jamaica and he had given Ms. Henry \$3,000.00 to send off to a family member of his to assist with the funeral expenses. Mr. Boyd said that Ms. Henry took the money and spent it on her son. Mr. Boyd said when he asked Ms. Henry about the money, she told him that she sent off the money but when he contacted his family, he was told that nothing was received. He again asked Ms. Henry about the money and she cursed him, telling him "your mother is dead, she don't need the money." Mr. Boyd said that a knife that Ms.

Henry had just used to cut some bread was on the table. Mr. Boyd said that he “snapped” and lost “my cool.” Mr. Boyd said that he used the knife to cut Ms. Henry’s throat but he never had the intention of hurting her and her son. Mr. Boyd said that Ms. Henry fell to the floor.

- [26] According to Mr. Boyd, he closed the bedroom door. When Mr. Francis came, he (Mr. Francis) came and asked who locked his bedroom door. Mr. Boyd stated that he said he locked it accidentally. Mr. Boyd said that Mr. Francis does not have any respect for him. The Defendant said that Mr. Francis started to curse, then lifted his hand and swung it at him (the Defendant). Mr. Boyd said that he lost his cool again and he chopped Mr. Francis “with the machete.”
- [27] Not long after completing the statement under caution, at about 1:46 pm the same Monday 21<sup>st</sup> June, 2019 Mr. Boyd participated in a three-hour long interview at the Langford Station with Inspector Home.
- [28] Mr. Boyd during the interview described Ms. Henry as being a very nice person. Mr. Boyd said that he was satisfied with their relationship, but asserted that Ms. Henry had poor money management skills and when he gave her money she would “blow it out in one day.” That issue, Mr. Boyd said, was the source of much argument. Mr. Boyd said that the money he gave to Ms. Henry to send to Jamaica had been obtained from individuals in New York and he had been saving the money at home. Mr. Boyd said that he gave Ms. Henry the money on Friday and indicated that she spent the money on all kinds of stuff. Mr. Boyd also said he thought that Ms. Henry paid some persons whom she owed money out of the funds as well.
- [29] Mr. Boyd told the interviewer that after he cut Ms. Henry’s throat, there was blood on his hands and he went to the sink and washed off the blood.
- [30] During the interview, Mr. Boyd was shown the knife the Crime Scene Technicians recovered from next to Ms. Henry’s body. The Defendant confirmed that was the knife he had used and he initialed for identification purposes the box in which the knife was secured. Mr. Boyd also confirmed that the police had taken him back to the scene at Cashew Hill and he pointed out to them the machete he used to injure Mr. Francis. Mr. Boyd also initialed the evidence bag in which the exhibit (the machete) was placed.

### **The Indictment**

- [31] On 20<sup>th</sup> September, 2022 Mr. Boyd was indicted by the Learned Director of Public Prosecutions for:
- (i) Murder contrary to the common law;
  - (ii) Wounding with intent to murder contrary to section 13 of the **Offences Against the Person Act**, Cap 300 of the Laws of Antigua and Barbuda, Revised Edition 1992; and (in the alternative to wounding with intent to murder)

- (iii) Wounding with intent contrary to section 20 of the **Offences against the Person Act**.

[32] The **Offences Against the Person (Amendment) Act** No. 13 of 2013 amends the principal Act (Cap. 300) by *inter alia* repealing and substituting section 2 of the **Offences Against the Person Act** which deals with the sentence for murder. It now provides that:

“Whomsoever is convicted of murder shall be sentenced to death or to imprisonment for life or for such lesser term as the court considers appropriate.”

[33] The **(Amendment) Act** No. 13 of 2013 also inserted a section 3B into the principal Act. That insertion provides a mechanism for a scheduled review of persons sentenced to either life imprisonment, or those sentenced to a lesser term of imprisonment. It states:

“Where a person is convicted... and sentenced to life imprisonment or to lesser period of imprisonment, the court may order that the sentence imposed on the convicted person be reviewed by a court of competent jurisdiction after the person has served not less than a period of –

(a) thirty years, where the sentence is for life imprisonment, and thereafter at intervals of five years; and

(b) twenty years, in the case of a lesser term of imprisonment, and thereafter intervals of three years,

“and there consider whether it is any longer necessary for the purposes of deterrence, retribution, rehabilitation and in the public interest that the person should be further detained.”

[34] The offence of wounding with intent to which the Defendant pleaded guilty, provides that:

“any person... being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.”

### **Delayed Arraignment**

[35] After Mr. Boyd was indicted in September 2022, he first appeared in Court on 10<sup>th</sup> October, 2022. He was unrepresented and indicated that since his arrest, he had not had the benefit of any legal advice. He indicated that he received a promise from the Jamaican Consulate to provide him with assistance.

[36] The matter was called up on six subsequent occasions and adjourned to enable Mr. Boyd to have the benefit of consulting with Counsel. The promised legal assistance the Defendant expected did not materialise. An order was made appointing Mr. Andrew O’Kola of OMO Chambers to represent Mr. Boyd.

- [37] On the 10<sup>th</sup> February, 2023 Mr. Boyd was arraigned. He pleaded guilty to murder and wounding with intent.

### **Mitigation**

- [38] Mr. O’Kola noted that the Defendant was now aged 60 years, having been born on the 15<sup>th</sup> April, 1963. Mr. Boyd fathered six children, the youngest of whom is 7 years old.
- [39] Counsel O’Kola noted that the Defendant entered a guilty plea at the very first opportunity and urged that maximum credit be given to Mr. Boyd for doing so. Mr. O’Kola also said that there was evidence of remorse.
- [40] Mr. O’Kola noted that no sentence that is imposed could give comfort to those who are distressed and grieving, or give them any prospect of restoration. Counsel looked at the principles of sentencing and assessed the different factors in terms of their relevance to Mr. Boyd.
- [41] Mr. O’Kola said that the Defendant was “throwing himself at the feet of the mercy of the court” and urged that justice be tempered with mercy.
- [42] Counsel also raised for consideration the medical condition of the Defendant and asserted that the prisons did not have the “facility to support rehabilitation.”

### **Crown’s Response**

- [43] The Learned Director of Public Prosecutions (acting), Mrs. Jones-Gittens countered Mr. O’Kola’s submissions by noting that no documentary evidence has been put forward on behalf of Mr. Boyd to demonstrate the full extent of his medical condition.
- [44] Mrs. Jones-Gittens urged that with regard to the submission on the prison facilities, that consideration be given to the Court of Appeal decision in the consolidated matters **George Thomas v The Queen**, ANUHCRA 2018/0018 and **Joel Kwame Seraphin v The Queen**, ANUHCRA 2018/0006 where judicial consideration was given to such a submission, in a decision delivered on 4<sup>th</sup> July, 2022.
- [45] In **Thomas and Seraphin**, the Court of Appeal held that: “While it is accepted that the conditions of the prison fall short of the required or accepted standard, it cannot be said that they violate the constitutional rights ... to the extent that would warrant a reduction in sentence.”
- [46] The Learned Director of Public Prosecutions also identified what she considered to be aggravating features of the offence, in that multiple chops were inflicted to the deceased, the incident occurred at home and there may have been an abuse of trust.
- [47] No additional evidence was lead, apart from that evident in the presentation of the facts, with regard to victim impact.

### **The Rudolph Lewis Case**

- [48] Cases such as Mr. Boyd's which involve an element of intimate partner violence require some reflection on the factors operating in the mind of the offender.
- [49] In **Rudolph Lewis v The Queen** HCRAP 2009/016 (Saint Vincent and the Grenadines), the Appellant successfully appealed the sentence of life imprisonment that was imposed for a murder committed in a domestic situation.
- [50] The Appellant was convicted of the murder of his 21-year-old common law wife and mother of his children. He suspected that she had been unfaithful to him. The victim went to visit her sister. The Appellant went to where she was and lured her home, saying that their child was hospitalized. She left with him to go to see the child. The Appellant on the journey bypassed the hospital and took the victim to their home where he stabbed her 21 times in the presence of their children.
- [51] The Crown served a death penalty notice in that matter. At the commencement of Mr. Lewis' trial, the Appellant sought to enter a guilty plea, which was not accepted by the Court. The trial proceeded without Defence Counsel cross examining the Crown's witnesses, save and except the investigating officer.
- [52] The Court of Appeal vacated the sentence of life imprisonment and substituted a sentence of 25 years.
- [53] At paragraph 31 of the **Rudolph Lewis** judgment, Justice of Appeal Mrs. Ola-Mae Edwards noted in that case: "The Appellant acted under circumstances of domestic emotional stress which would not measure up to legal provocation, having regard to his level of premeditation, deceit and planning in luring the deceased to the house." (However in this case, with regard to Mr. Boyd, there was no identifiable similar level of 'premeditation, deceit and planning').
- [54] Reference was made in the **Rudolph Lewis** case by Edwards, JA, to D.A. Thomas' treatise Principles of Sentencing: The Sentencing Policy of the Court of Appeal Criminal Division, 2<sup>nd</sup> Ed, at p. 207, which deals with 'Domestic or Emotional Stress.' The author stated:
- "A frequent explanation of uncharacteristic offences is that they result from acute emotional stress. The most common example is the offence of violence committed against wife or husband, or a third party who has become involved with one of them as a result of a deteriorating marriage. In such cases the circumstances which precipitate the violent act are usually treated as significant mitigating factors."
- [55] The decision of Rawlins, JA (ag), (as he then was) in **Mervyn Moise v The Queen** Saint Lucia Criminal Appeal No. 8 of 2003, at paragraphs 18 and 19, was referred to by Edwards, JA, in the **Rudolph Lewis** case, (at paragraph 33) and is applicable to this case:
- "It is a mandatory requirement in murder cases for a Judge to take into account the personal and individual circumstances of the convicted person. The Judge must also take into account the nature and gravity of the offence; the character and record of the convicted person; the

factors that might have influenced the conduct that caused the murder; the design and execution of the offence, and the possibility of reform and social re-adaptation of the convicted person... The Judge may accord greater importance to the circumstances, which related to the commission of the offence. However, the relative importance of these factors may vary according to the overall circumstances of each case.”

- [56] When imposing sentence, the Judge is enjoined to consider and reflect on a number of factors. The Judge has to not just assess the offence that was committed and seek to deliver a satisfactory result to the victim, the victim’s family and the community; but the interest of justice requires due consideration of the circumstances of the offender.

### **Sentencing Principles**

- [57] The four principles of sentencing are well known. Sir Dennis Byron, CJ, (as he was then) in the consolidated appeal, **Desmond Baptiste v The Queen** (Saint Vincent and the Grenadines High Court Criminal Appeal No. 8 of 2003) outlined the principles of sentencing as:

- a) Retribution.
- b) Deterrence. (Both specific and general).
- c) Prevention.
- d) Rehabilitation.

- [58] The significance of each of the principles may vary from one case to another. All the principles need not be applicable in every case. It is up to the individual imposing the sentence having been seized of all the facts in the case to determine the relevance and comparative weight of each of the principles.

- [59] In examining the facts and circumstances of Mr. Boyd’s case, the principle that seems most relevant is retribution – the punishment must fit the crime. As was said by Lawton, LJ, in **The Queen v Sargeant**, 60 Cr. App. R 74 (at page 77):

“Society through the courts, must show its abhorrence of particular types of crimes, and the only way the courts can show this is by the sentences they pass.”

- [60] The principles of deterrence and prevention do not seem to have much relevance to this case. While there is a need for general deterrence with regard to homicides, it may not be the case in the environment of Antigua and Barbuda that domestic differences escalate to such a level. And with regard to prevention, it does not appear that Mr. Boyd is a threat to the public at large; he does not have a record which requires the Court to keep him away from the society.

- [61] Ideally, in terms of rehabilitation, if it was possible to have Mr. Boyd exposed to some programme or counseling that would aid him in his emotional growth and anger management then that too would be a consideration.

## **Sentencing Guidelines**

[62] The Sentencing Guidelines for homicide offences were re-issued by the Eastern Caribbean Supreme Court, ECSC on 26<sup>th</sup> November, 2021. The guidelines provide for six successive steps to be observed before passing sentence:

- 1) Consider the seriousness of the offence. Find the starting point by consulting the grid. Adjust the figure within the range for the aggravating and mitigating factors of the offence.
- 2) Adjust the figure within the range for the aggravating and mitigating factors affecting the offender.
- 3) Adjust the figure on assessing the discount for any plea of guilty.
- 4) Adjust the figure on assessing totality if sentencing for more than one offence.
- 5) Give credit for time served on remand.
- 6) Consider ancillary orders.

[63] The ECSC's Practice Direction No. 3 of 2021 which accompanied the re-issuing of the Sentencing Guidelines noted that:

"A conviction of an adult for the offence of murder may result in one of the following sentences:

- a. Sentence of death, where lawful;
- b. A whole life sentence;
- c. A determinate sentence; or
- d. Detention at the court's pleasure where the offender has been found to be insane or suffering relevant mental illness."

[64] In the present case, neither a sentence of death, nor detention at the Court's pleasure are options. This is because with regard to the former case, no 'death penalty notice' has been served by the Crown; and in the latter case, there is no suggestion that Mr. Boyd is affected by any disease of the mind.

## **The Starting Point**

[65] Does Mr. Boyd's case fit the category for a whole life sentence, or should it be a determinate sentence?

[66] The Practice Direction provides assistance in resolving this issue of what types of homicides attract whole life and which ought to have a determinate sentence.

[67] Whole of life sentences are imposed where the seriousness of the offence is "exceptionally high." A number of factors are listed at paragraph 5 (a) to paragraph 5 (o) of the Practice Direction, which, if present takes the matter into the whole life category. None of those factors that are listed in paragraph 5 are present in Mr. Boyd's case. Whole of life sentences are considered where there are

things such as the murder of two or more persons, or murder associated with a series of serious criminal acts, or a substantial degree of planning, or abduction of the victim, or involved sadistic conduct.

[68] The most severe determinate sentences are addressed in paragraph 6. This is for those cases not falling under:

- (i) sentence of death or whole of life sentences may otherwise have been imposed; or
- (ii) where the factors in which a whole of life sentence are present, the court considers that the murder or the combination of the murder and one or more offences associated with it does not warrant a whole life sentence.

[69] According to paragraph 7 (f) of the Practice Direction, “a murder in the context of a significant history of domestic violence” locates it in the paragraph 6 category of a determinate sentence. The Crown in the facts that were accepted by the Defendant, spoke of “jealousy,” “numerous arguments,” and “verbal abuse,” in the relationship; and stated that the Defendant “allegedly injured Ms. Henry” and ended up spending more than a year in prison on remand.

[70] Mrs. Jones-Gittens conceded that while there was an issue of domestic violence, the Crown was not of the view that it rose to the threshold of a “significant history” of domestic violence as contemplated by paragraph 6.

[71] Mr. Boyd’s matter therefore falls under paragraph 9, where a bladed weapon (or blunt instrument) is taken by the offender to the scene and used to commit the offence.

[72] According to paragraph 10

“If the offender was an adult when he committed the offence and the case does not fall within paragraphs 4, 6 or 8, the appropriate starting point is a determinate sentence of 25 years, within a range of 15-35 years.”

### **Aggravating/Mitigating Factors**

[73] The next stage of the process requires an evaluation to be done of the aggravating and mitigating factors with regard to the offence.

[74] It is noted that the locking of the door to the bedroom where the body of Ms. Henry was and inventing a story to prevent Mr. Francis from going into the bedroom where Ms. Henry was, seemed to be some effort at concealment and therefore is an aggravating feature. The Crown also raised the fact that Ms. Henry received at least four injuries from the bladed weapon.

[75] On the other hand, there was according to what Mr. Boyd describes, provocative acts by the deceased in terms of the use of the funds intended to be repatriated for the Defendant’s mother’s burial, as well as the obscenities and comments made about the Defendant’s mother being dead and not needing the money. It is also noted that the Defendant freely walked into the Saint John’s

Police Station on Monday 21<sup>st</sup> June, 2021 and gave himself up. Mr. Boyd also cooperated fully with the police; he did not exercise his right to silence and he voluntarily gave a statement and an interview in which he admitted culpability for the offence. The Defendant identified the weapon used in the offence.

- [76] The mitigating factors in relation to the offence clearly outweigh the aggravating factors.
- [77] Mr. Boyd has no previous convictions for violence offence, no relevant convictions whatsoever and the offences were not committed while he was on bail. In that regard there are no aggravating factors pertaining to the offender. The issue of his being on remand for previously injuring Ms. Henry never crystallised into a conviction. That factor of lingering domestic violence is noted.
- [78] As far as the mitigating factors pertaining to Mr. Boyd are concerned, there are a number of notable features. At the date of the offence he was aged 58 years and was of reasonably good character. Mr. Boyd has expressed remorse for the incident. The day following the incident, Mr. Boyd in his interview with the police sounded penitent, although he sought to blame “the devil” and claimed that he just “snapped” and “overreacted.”
- [79] The personal mitigating factors of the Defendant outweigh the aggravating factors.

### **Computation of Sentence**

- [80] It has been determined that a fixed term sentence is appropriate in the circumstances of this case.
- [81] The starting point for the computation of the sentence is 25 years in prison. This is the midpoint in the sentencing range and the recommended starting point in the Practice Direction. There was nothing to suggest that the starting point ought to be at the lower end of the scale, neither was there anything to recommend any upward movement of the starting point.
- [82] The fact that the mitigating factors both in relation to the offence and in relation to the offender are decidedly in favour of Mr. Boyd means that he is to be credited with two years, which has to be subtracted from the starting figure. That leaves 23 years at this point.
- [83] On the very first occasion the charge was read to Mr. Boyd, he entered a guilty plea. It is well-established that Defendants who enter an early guilty plea, who acknowledge their transgression, who spare the family of victims and witnesses the agony of the trial and do not put the Crown on proof of its case, and conserve judicial resources, ought to be credited for doing so. Mr. Boyd at his arraignment admitted his guilt. He is therefore entitled to the full one-third discount for pleading guilty at his very first opportunity. That means 7 years and eight months has to be subtracted from the previous balance of 23 years. That leaves 15 years and four months.
- [84] There would have to be at this point an upward adjustment in consideration of the totality of the offending, that is, to take account of the wounding with intent charge. Eighteen months is to be added to the present figure. That carries the sentence up to 16 years and 10 months.

- [85] The time spent on remand has to be accounted for. Mr. Boyd first went to the police station on Monday 21<sup>st</sup> June, 2021. He was detained and remained in custody since then. On Wednesday 23<sup>rd</sup> June, 2021 he was charged and subsequently remanded to prison. Mr. Boyd pleaded guilty, at his arraignment, on 10<sup>th</sup> February, 2023. That plea was confirmed on 20<sup>th</sup> February, 2023 when the facts were presented by the Crown and the Defendant accepted those facts. That period of one year seven months and twenty-seven days spent on remand has to be accounted for. It has to be subtracted from the remaining 16 years and ten months.

### **Order**

- [86] Ordinarily, a sentence of 25 years imprisonment for the murder of Ms. Althea Henry and a top up of eighteen months for the wounding of Mr. Tajma Francis would be considered appropriate.
- [87] Having made deductions for Mr. Boyd's early guilty plea, mitigating factors and time served on remand, Mr. Linsome Boyd must serve 15 years, two months and three days with effect from 20<sup>th</sup> February, 2023 when his guilty plea was confirmed.
- [88] Although it would have been reasonable to order that Mr. Boyd be exposed to counseling sessions in relation to anger management, it does not appear that such support is readily available. No ancillary orders are made.

**Colin Williams**  
High Court Judge

**By the Court**

**Registrar**