[2021] JMCA Crim 32

JAMAICA

IN THE COURT OF APPEAL

BEFORE: THE HON MR JUSTICE F WILLIAMS JA
THE HON MRS JUSTICE FOSTER-PUSEY JA
THE HON MRS JUSTICE G FRASER JA (AG)

SUPREME COURT CRIMINAL APPEAL NO 89/2018

TROY ROGERS v R

Sanjay Smith for the appellant

Mrs Lenster Lewis-Meade for the Crown

29 and 30 September 2021

G FRASER JA (AG)

[1] The appellant, Mr Troy Rogers, was indicted for five counts of illegal possession of firearm (counts 1, 5, 9, 11 and 14), and 12 counts of robbery with aggravation (counts 2 – 4, 6 – 8, 10, 12, 13, and 15 – 17). The charges arose out of a series of robberies committed at travel agencies located in the parishes of Manchester, Saint Elizabeth, Saint Catherine, and Saint Ann between February and June 2014.

[2] On 14 January 2015, in the High Court Division of the Gun Court, the appellant on arraignment, pleaded guilty to three counts of illegal possession of firearm (counts 1, 5 and 11) and eight counts of robbery with aggravation (counts 2 – 4, 6 – 8, and 12 – 13). No evidence was offered by the prosecution in respect of the remaining counts, that is, counts 9, 10 and 14 – 17, and the appellant was thus discharged in relation to those counts.

[3] The prosecution's case was that the offences contained in counts 1 – 4 took place at the Sterling Travel Agency in the parish of Manchester on 18 February 2014, where the appellant and another went into the travel agency posing as customers, thereafter they brandished a firearm and demanded money. They proceeded to rob employees at the travel agency of jewellery, cellular phones, a Samsung tablet, and cash. The appellant and his cohort then used tie strings to bind the employees.

[4] The offences contained in counts 5 – 8 occurred at Distinctive Travel Services in the parish of Saint Catherine on 21 February 2014. The *modus operandi* of this robbery was similar to that which was committed by the appellant and another in Manchester on 18 February 2014. They posed as customers at the travel agency before brandishing a firearm; demanding money; robbing the employees of jewellery, cellular phones, a Google Nexus tablet, and cash; and using tie strings to bind the employees.

[5] With regards to the offences contained in counts 11 – 13, these occurred at Travel Mania, Portmore, in the parish of Saint Catherine on 19 May 2014. The execution of this robbery was similar in fact as the two related above. Here, the appellant brandished a firearm, demanded money, and robbed the agency of cash and a cellular phone and an employee of her cellular phone.

[6] The appellant was subsequently pointed out on identification parades by eight of the complainants. Additionally, the appellant was found in possession of one of the cellular phones belonging to one of the employees who was robbed at the Sterling Travel Agency in the parish of Manchester. The police had also recovered at his house, tie straps similar to those that were used in the robberies. When the appellant was cautioned by the investigating officer that he was a suspect in 12 robberies, he responded "a new [sic] all a them me rob, about six" (see page 15, lines 2 and 3 of the transcript).

[7] At the time of sentencing, counsel for the appellant in his plea in mitigation submitted to the court that the said robberies were committed by the appellant in an effort to repay loans he had borrowed to pay for medication for his sick mother. The

learned judge seems to have been unimpressed by these submissions as he did not find the appellant to be truthful, especially as the appellant was not prepared to say how much money he had borrowed or how much money he was trying to pay back.

[8] On 12 February 2015, the sentencing judge ('the learned judge') imposed the following sentences:

count 1	illegal possession of firearm	5 years
count 2	robbery with aggravation	8 years
count 3	robbery with aggravation	8 years
count 4	robbery with aggravation	8 years
count 5	illegal possession of firearm	5 years
count 6	robbery with aggravation	10 years
count 7	robbery with aggravation	10 years
count 8	robbery with aggravation	10 years
count 11	illegal possession of firearm	7 years
count 12	robbery with aggravation	12 years
count 13	robbery with aggravation	12 years

[9] Counts 1 – 8 were ordered to run concurrently; count 11 to run consecutively to counts 1 – 8; and counts 11 – 13 to run concurrently.

[10] The appellant was granted leave, by a single judge of this court, to appeal against the sentences imposed. The appellant has pursued this appeal on the sole ground that the sentences are manifestly excessive and that the learned judge erred when he handed down a consecutive sentence.

[11] Arising from this sole ground of appeal are two main issues:

(1) whether the learned judge failed to properly apply the relevant principles of sentencing; and

(2) whether the cumulative effect of the order for count 11 to run consecutively to counts 1 – 8 is manifestly excessive.

Whether the learned judge failed to properly apply the relevant principles to sentencing

[12] Mr Smith, counsel for the appellant, has argued that the sentences handed down by the learned judge were manifestly excessive when compared to other cases of similar and even more aggravating facts. He further argued that the learned judge failed to identify a sentencing range and an appropriate starting point, and also failed to apply the necessary discounts in relation to the appellant's guilty plea and the time he spent in custody prior to being sentenced.

[13] In **Daniel Roulston v R** [2018] JMCA Crim 20, McDonald-Bishop JA examined several authorities from this court, including **Meisha Clement v R** [2016] JMCA Crim 26, as well as authorities from outside the jurisdiction which, she said, provided an amalgam of those principles that should be employed by judges in the sentencing process. At para. [17] she stated that:

> "[17] Based on the governing principles, as elicited from the authorities, the correct approach and methodology that ought properly to have been employed is as follows:
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> a. identify the sentence range;
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> b. identify the appropriate starting point within the range;
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> c. consider any relevant aggravating factors;
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> d. consider any relevant mitigating features (including personal mitigation);
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> e. consider, where appropriate, any reduction for a guilty plea;

f. decide on the appropriate sentence (giving reasons); and

g. give credit for time spent in custody, awaiting trial for the offence (where applicable)."

[14] It is clear from the transcript that the learned judge considered the well known "classical principles of sentencing" (retribution, deterrence, prevention and rehabilitation), as well as certain aggravating and mitigating factors. There is, however, no clear indication that he identified the sentencing range and an appropriate starting point based on the circumstances of the case. Additionally, although the learned judge acknowledged the appellant's guilty plea and said he was going to take it into consideration, it is not readily apparent from the transcript that he in fact did so, or that he gave any reduction for the guilty plea, and if he did, how much. The learned judge also acknowledged that he was obliged to take into consideration the fact that the appellant had been in custody for some seven months and that he would keep it in mind. He, however, did not demonstrate that he had given full credit for the time the appellant spent in custody prior to being sentenced.

[15] Counsel for the Crown has conceded that the learned judge failed to clearly apply the principles that should be employed by judges in the sentencing process. She, however, further submits that, in light of the learned judge's failure, the sentences would be deemed excessive. We, however, do not agree with this further submission. With regard to the general approach, which this court typically adopts on appeals against sentence, Morrison P (as he then was), at paras. [42] and [43] in **Meisha Clement v R** [2016] JMCA Crim 26, enunciated that:

> "[42] … [In] considering whether the sentence imposed by the judge in this case is manifestly excessive … we remind ourselves, as we must, of the general approach which this court usually adopts on appeals against sentence. In … **Alpha Green v R** [(1969) 11 JLR 283, 284] … the court adopted the following statement of principle by Hilbery J in **R v Ball** [(1951) 35 Cr App R 164, 165]:

> 'In the first place, this Court does not alter a sentence which is the subject of an appeal merely because the members of the Court might have passed a different sentence. The trial Judge has seen the prisoner and heard his history and any witnesses to character he may have chosen to call. It is only when a sentence appears to err in principle that this Court will alter it. If a sentence is excessive or inadequate to such an extent as to satisfy this Court that when it was passed there was a failure to apply the right principles then this Court will intervene.'
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> [43] **On an appeal against sentence, therefore, this court's concern is to determine whether the sentence imposed by the judge (i) was arrived at by applying the usual, known and accepted principles of sentencing; and (ii) falls within the range of sentences which (a) the court is empowered to give for the particular offence, and (b) is usually given for like offences in like circumstances.** Once this court determines that the sentence satisfies these criteria, it will be loath to interfere with the sentencing judge's exercise of his or her discretion." (Emphasis added)

[16] It is therefore clear that on an appeal against sentence, failure by the sentencing judge to apply the usual known and accepted principles of sentencing, is just one of two criteria which will allow this court to interfere with the sentencing judge's exercise of his or her discretion. The other criterion is that the sentence imposed by the sentencing judge does not fall within the usual range of sentences the court is empowered to give for the particular offence and that is usually given for like offences in like circumstances.

[17] Accordingly, having establishing that the learned judge had failed to apply the usual known and accepted principles of sentencing, this court must go further to determine whether the sentences imposed by the learned judge fall outside of the range of sentences which the court is empowered to give for the particular offences, and which are usually given for like offences in like circumstances. In so doing, the court must conduct its own analysis.

The sentencing range and appropriate starting point

[18] We are mindful that, at the time of sentencing, the learned judge would not have had the benefit of the principles established in **Meisha Clement v R** or the Sentencing Guidelines for use by Judges of the Supreme Court of Jamaica and the Parish Courts, December 2017 ('the Sentencing Guidelines'), both of which are relevant in guiding this court with the issue of sentencing and on which we will rely. There, nonetheless, would have been authorities existing at the time of the appellant's sentencing which would have provided guidance to the learned judge as to the procedure to be utilized with regard to sentencing (see for example **R v Everald Dunkley** (unreported), Court of Appeal, Jamaica, Resident Magistrate Criminal Appeal No 55/2001, judgment delivered on 5 July 2002, as cited in **Meisha Clement v R**).

[19] The Sentencing Guidelines state that the normal range of sentence for the offence of illegal possession of firearm is between seven – 15 years with the usual starting point being 10 years. As it relates to the offence of robbery with aggravation, the normal range is between 10 – 15 years with the usual starting point being 12 years.

[20] In **Lamoye Paul v R** [2017] JMCA Crim 41, McDonald-Bishop JA, commenting on the sentencing range and starting point for the offences of illegal possession of firearm and robbery with aggravation, indicated that:

> "[18] In respect of illegal possession of firearm… The learned judge was required to choose a starting point and a range for the offence, which she did not. **Bearing in mind that this is not a case that involved the possession of a firearm simpliciter, but also the use of a firearm, a starting point, anywhere between 12 to 15 years, would be appropriate**…
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> [22] **The usual starting point for [the offence of robbery with aggravation] is 12 years.** However, for a robbery executed with a firearm, and also by more than one perpetrator, the starting point must be higher. In this case, **where there were at least two perpetrators, the range**

within which the sentence should fall should be anywhere between 15-17 years." (Emphasis added)

[21] Having considered the relevant authorities and the guidance provided by the Sentencing Guidelines, we believe that the usual sentencing range for the offence of illegal possession of firearm is between seven – 15 years. Bearing in mind that this is not a case that involved the possession of a firearm simpliciter but is one that involved the use of a firearm to execute a robbery, we believe the starting point within the range should be 10 years with respect to count 1; 12 years with respect to count 5; and 15 years with respect to count 11. We have chosen different starting points due to the fact that the appellant's possession and use of the firearm were part of a series of robberies. Each subsequent possession and use must therefore be treated as more aggravating.

[22] With regard to the offence of robbery with aggravation, we have identified the usual sentencing range to be between 10 – 17 years. Taking into consideration that the robberies were executed with the use of a firearm and that there were at least two perpetrators, we believe the starting point within the range should be 12 years with respect to counts 2 – 4; 15 years with respect to counts 6 – 8; and 17 years with respect to counts 12 and 13. Again, we have chosen different starting points bearing in mind that this was a series of robberies committed by the appellant. Each subsequent robbery must therefore be treated as more aggravating.

Relevant aggravating and mitigating factors

[23] As the use of the firearm, the number of perpetrators, and the series of robberies have already been taken into account in determining the starting point, these factors will not be utilised as aggravating features as this would amount to double application of these aggravating factors. We, however, consider the fact that the appellant used tie straps to bind the employees at the travel agencies where they carried out the robberies, and that the firearm used was never recovered and may therefore still be used to carry out other offences.

[24] As mitigating features, Mr Smith sought to impress upon us similar submissions to those counsel for the appellant sought to impress upon the learned judge in his plea in mitigation. These submissions were that the appellant had committed the offences in order to repay loans he had borrowed to purchase medication for his sick mother, which Mr Smith described as creating "emotional and mental pressure" on the appellant. He relied on paragraph 9.2 of the Sentencing Guidelines in support of this submission, and further submitted that the failure of the learned judge to specifically consider the appellant's mental state as a mitigating factor amounted to the sentence being manifestly excessive. He urged this court to consider the mental state of the appellant, in relation to the offences, and to treat it as a mitigating factor. We wish to note that the learned judge did consider this plea in mitigation and appeared to have been unimpressed by it as he did not accept it as the truth. We are similarly unimpressed, and find no reason to treat this as a mitigating factor. Neither have we taken into account the appellant's guilty plea as a mitigating factor as this feature will be considered separately, and would thus amount to double counting. We have, however, considered other relevant factors such as the age of the appellant, the fact that the appellant had no previous convictions recorded against his name, and has two children, one of whom is dependent on him.

[25] Having weighed the relevant aggravating and mitigating factors, we would add an additional two years due to the aggravating factors but also would subtract two years as a result of the mitigating factors. We therefore remain firm at the started points previously identified.

Effect of the guilty pleas

[26] At page 30, lines 9 – 12 of the transcript, the learned judge stated that "[y]ou have pleaded guilty and that is something that I am going to take into account. I am constrained to take that into consideration". Despite this, however, he did not indicate how far the appellant's guilty plea was taken into account and how much reduction, if any, was applied to his sentences as a result of the guilty pleas.

[27] With the introduction of Criminal Justice (Administration) (Amendment) Act 2015, "where a defendant indicates to the Court, on the first relevant date, that he wishes to plead guilty to the offence, the sentence may be reduced by up to fifty percent" (see section 42D(2) of the Criminal Justice (Administration) (Amendment) Act 2015). However, this amendment was subsequent to the appellant pleading guilty and being sentenced and therefore cannot be applied retroactively to him. The court must therefore look to the relevant common law principles of the time.

[28] In **Joel Deer v R** [2014] JMCA Crim 33, Phillips JA stated that:

> "[6] It is well accepted that when a person pleads guilty his sentence should be reduced (*Archbold: Criminal Pleading, Evidence and Practice 2013 edn:- Sentence and Orders on Conviction, para. 5-112*). In **R v Boyd** (1980) 2 Cr App R (S) 234, the court stated that the policy of the courts is that where a man pleads guilty, 'the court encourages a plea of guilty by knocking something off the sentence which would have been imposed if there had not been a plea of guilty'. This court endorsed that position in **R v Everald Dunkley** RMCA No 55/2001, delivered 5 July 2002 where, in referring to and applying its earlier decision in **R v Delroy Scott** (1989) 26 JLR 409, it stated that 'this act of pleading guilty must be a prime consideration in favour of the offender, who has admitted his wrong on the first opportunity to do so before the court [and] [t]here ought to be some degree of discounting, that is in a reduction of sentence'.
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> [7] It is of significance that the court in **Everald Dunkley** stated that the discount ought to be given where the plea of guilty was given at the first opportunity, the implication being that the court may not be as lenient if there is delay in giving the guilty plea…
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> [8] The amount of credit to be given for a guilty plea is at the discretion of the judge. In **R v Buffrey** (1993) 14 Cr App R (S) 511 at page 514, Lord Taylor CJ, in addressing the issue as to what should be the period of discount for an accused who has pleaded guilty, stated that while there was no absolute rule as to the discount to be applied and each case must be assessed on its own facts, as a general rule 'something of the order of one-third would very often be an

> appropriate discount from the sentence which would otherwise be imposed on a contested trial'. The learned authors of *Archbold: Criminal Pleading, Evidence and Practice* 1992 at paragraph 5-153 state:
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> > 'The extent of the 'discount' to be allowed in the recognition of a plea of guilty has never been fixed, but cases in which the reductions of sentence have been made by the Court of Appeal on this ground suggests that it is normally between one-fifth and one-third of the sentence which would be imposed on a conviction by a jury. In determining the amount of the discount in a particular case, the court may have regard to the strength of the case against the offender: an offender who pleads guilty in the face of overwhelming evidence may not receive the same discount as one who has a plausible defence.'
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> The position of applying a one-third discount has been adopted in this jurisdiction (see **Everald Dunkley** and **Basil Bruce v R**)."

[29] Whilst the position of applying a one-third discount has been adopted in this jurisdiction, the amount of credit to be given for a guilty plea still remains at the discretion of the judge in all the circumstances of the case. We have considered several factors, including the fact that the appellant pleaded guilty approximately six months after he was charged and before a trial had commenced. There was therefore not much delay in him admitting his wrong before the court and thus it is not our view that the lowest discounts of one-fifth should be given in relation to his guilty plea. We have also considered the fact that the evidence against the appellant was overwhelming as a total of eight complainants pointed him out on identification parades; one of the stolen items was also found in his possession; and tie straps similar to those that were used in the robberies were found at his house. There are also the utterances made when he was charged and cautioned, which amount to a confession of guilt in relation to six of the robberies. The possibility of him being convicted on the charges had the matter proceeded to trial, was

practically inevitable and therefore we do not believe that the highest discount of one-third should be given in relation to his guilty plea.

[30] Having regard to all the circumstances in relation to the guilty plea, it is our view that a one-fourth discount for the guilty plea would be appropriate and reasonable. Taking this into consideration, our assessed sentence in relation to the offence of illegal possession of firearm would fall to seven and a half years with respect to count 1; nine years with respect to count 5; and 11 years and three months with respect to count 11. With regard to the offence of robbery with aggravation, our assessed sentence would fall to nine years with respect to counts 2 – 4; 11 years and three months with respect to counts 6 – 8; and 12 years and nine months with respect to counts 12 and 13.

[31] We therefore find that the sentences imposed on the appellant in relation to the offences of illegal possession of firearm and robbery with aggravation, on counts 1 – 8, and 11 – 13, are not manifestly excessive.

Credit for time spent on remand prior to sentencing

[32] Mr Smith argued that the learned judge did not indicate a starting point or exactly how he arrived at the sentences handed down, and that it does not appear the appellant was given full or any credit for the seven months he spent on remand prior to sentencing.

[33] It is now well accepted, based on the authorities such as **Meisha Clement v R**, that in arriving at a sentence, the court must give full credit for time spent in custody whilst awaiting prosecution and sentencing. In the recent decision of **Sylvan Green et al v R** [2021] JMCA Crim 23, this court considered a similar issue where it was argued by the appellants in that case that the trial judge had failed to credit them for time spent in pre-trial custody. In considering this issue McDonald-Bishop JA stated that:

> "[55] In keeping with the state of the law and practice as it was before **Meisha Clement**, the trial judge stated that he had taken into account the fact that the applicants were in custody before sentencing but did not indicate or demonstrate, by any arithmetical formula, the deduction he

> had made for time spent in pre-sentence remand. Therefore, this court was unable to definitively say whether he had applied any arithmetical formula and, if so, what was the extent of the deduction he made. As a result, it was not established to the court's satisfaction that the applicants were fully credited for the time spent on pre-sentence remand. We considered that, in keeping with the current law and practice in this court, and more so, in the interests of justice, allowance should be made for the full time spent in custody awaiting trial and sentencing in this case.
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> [56] … We were, indeed, mindful that there was a risk of double-deduction. However, because there was nothing to indicate the arithmetical deduction made by the trial judge from the sentences imposed, as required by the authorities, we formed the view, after much deliberation, that we should make allowance for full credit. We also considered that the time to be deducted is not designed in law to reduce the sentence that the trial judge had imposed. Instead, it must be viewed from the perspective of their Lordships in [**Mohamed Iqbal Callachand & Anor v The State** [2008] UKPC 49] that the rule of giving full credit for time spent on pre-trial remand arose from concern for the basic right to liberty (para 9)] …"

[34] Similarly, in this case, the learned judge whilst stating that he was "constrained to take into account that fact that [the appellant] have been in custody for some time" (page 30, lines 12 – 14 of the transcript), failed to indicate or demonstrate, by any arithmetical formula, the deduction he had made for time spent in pre-sentence remand. We are therefore unable to say, with any certainty, whether the learned judge had applied any arithmetical formula and, if so, the extent of any deduction made. Allowance must therefore be made, in respect of each count, for the seven months the appellant spent in custody prior to being sentenced.

Whether the cumulative effect of the order for count 11 to run consecutively to counts 1 – 8 amounts to the sentences being manifestly excessive

[35] The learned judge, in sentencing the appellant, ordered counts 1 – 8 to run concurrently; count 11 to run consecutively to counts 1 – 8; and counts 11 – 13 to run

concurrently. What this means, therefore, is that the sentence in relation to count 11 does not begin to run until the highest of the sentences in relation to counts 1 – 8 has been served, that is, 10 years' imprisonment as imposed in relation to counts 6 – 8. Given that counts 11 – 13 are to run concurrently, it also means that counts 12 and 13 do not begin to run until after the appellant has served 10 years in prison. The total number of years the appellant would therefore have to serve in prison is 22 years.

[36] Having found that the learned trial judge did not expressly state his reason for ordering the sentences to run consecutively, we must consider whether his order may yet be preserved.

[37] In **Kirk Mitchell v R** [2011] JMCA Crim 1, Brooks JA (Ag), as he then was, after thoroughly examining authorities relating to the applicable principles to be applied in relation to consecutive sentences being ordered with regard to firearm offences, stated at para. [57] that:

> "[57] From the above discussion, may be distilled the following principles:
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> a. Where offences were all committed in the course of the same transaction, including the average case where an illegally held firearm is used in the commission of an offence, the general practice is to order the sentences to run concurrently with each other - (**Walford Ferguson**).
>
> b. Where the offences arise out of the same transaction and the appropriate sentence for each offence is a fine, only one substantial sentence should be imposed - (**DPP v Stewart**).
>
> c. Where the offences are of a similar nature and were committed over a short period of time against the same victim, sentences should normally be made to run concurrently - (**R v Paddon**).
>
> d. **If offences were committed on separate occasions** or were committed while the offender was on bail for other offences, for which he was

eventually convicted, **and in exceptional cases involving firearm offences, there is no objection, in principle, to consecutive sentences** – (**Delroy Scott, R v Rohan Chin** (SCCA No. 84/2005 (delivered 26 July 2005) and **R v Gerald Hugh Millen** (1980) 2 Cr. App. R. (S) 357).

e. **In all cases, but especially if consecutive sentences are to be applied, the 'totality principle' must be considered, in application of which, the aggregate of the sentences should not substantially exceed the normal level of sentences for the most serious of the offences involved** - (**Delroy Scott, DPP v Stewart**, D.A. Thomas – Principles of Sentencing – cited above).

f. **Even where consecutive sentences are not prohibited, it will usually be more convenient, when sentencing for a series of similar offences, to pass a substantial sentence for the most serious offence, with shorter concurrent sentences for the less serious ones** - (**Walford Ferguson**).

g. Although it is unlikely to be the case, in matters being tried in the superior courts, if the maximum sentences allowed by statute, do not adequately address the egregious nature of the offences, then consecutive sentences, still subject to the 'totality principle', may be considered – (**R v Wheatley, R v Harvey**)." (Emphasis added)

[38] In principle, therefore, there is no objection to consecutive sentences being ordered in relation to offences committed on separate occasions and in exceptional cases involving the use of a firearm. We must, however, bear in mind the "totality principle" so that the aggregate of the sentences imposed does not substantially exceed the normal level of sentences for the most serious of the offences involved. Based on the sentences imposed by the learned judge, it would appear that he considered the offences of robbery with aggravation to have been the most serious of the offences involved as the most

substantial sentences were ordered with respect to these offences. We, therefore, cannot overlook the fact that the offence of robbery with aggravation under section 37(1)(a) of the Larceny Act attracts a maximum sentence of 21 years' imprisonment. The total sentence of 22 years' imprisonment, imposed in this case, exceeds that maximum.

[39] In examining the sentence, based on the totality principle, and considering the fact that this was a first conviction for the appellant, we find that the total sentence of 22 years' imprisonment is manifestly excessive. We find, in this case, that the sentence of 12 years' imprisonment imposed for the offence of robbery with aggravation with respect to counts 12 and 13, should be used as the standard. Accordingly, we shall order that the sentences all run concurrently instead of having count 11 run consecutively to counts 1 – 8.

Conclusion

[40] Accordingly, it is ordered as follows:

1. The appeal against sentence is allowed.

2. The sentences of the learned judge are set aside and substituted therefor are the following sentences in respect of each offence to allow credit for the seven months spent by the appellant in pre-sentence custody:

    (i) illegal possession of firearm (counts 1 and 5) – four years and five months' imprisonment at hard labour;

    (ii) robbery with aggravation (counts 2 – 4) – seven years and five months' imprisonment at hard labour;

    (iii) robbery with aggravation (counts 6 – 8) – nine years and five months' imprisonment at hard labour;

(iv) illegal possession of firearm (count 11) – six years and 5 months' imprisonment at hard labour;

(v) robbery with aggravation (counts 12 and 13) – eleven years and five months' imprisonment at hard labour.

3. The sentences are to be reckoned as having commenced on the date on which they were imposed, that is, 12 February 2015, and all are to run concurrently.