



IN THE SUPREME COURT OF BERMUDA

CIRCULAR NOTICE

ISSUED BY THE SUPERVISING JUDGE OF THE CRIMINAL DIVISION

Ref. A/50

Monday 25 April 2022

CIRCULAR No. 6 of 2022

Judicial Consideration of Temporary Increases in Sentencing Discounts
for Guilty Pleas in respect of select offences

This Circular, issued by the Supervising Judge of the Criminal Division, the Hon. Mrs. Justice Shade Subair Williams, marks the introduction of a temporary policy of sentence discounts on guilty pleas. This is intended to assist in the clearing of the backlog of active indictable matters in the Supreme Court.

It follows a period of consultation with the Director of Public Prosecutions, Ms. Cindy Clarke, in addition to senior practising members of the Criminal Bar and the Senior Legal Aid Counsel, Mrs. Susan Moore-Williams.

The following policy statement applies to Accused persons awaiting sentence, having pleaded guilty to one or more charges on an Indictment. It also applies to any Accused person who enters (a) guilty plea(s) between the date of this Circular and Wednesday 3 August 2022.

For Accused persons who know and unequivocally accept their guilt in pleading guilty to the charge(s) against them, the Court will strongly consider applying an additional sentencing discount of up to 30% in the cases where the Director of Public Prosecutions determines that it is appropriate to do so. (In some cases the additional discount may give rise to the passing of a sentence other than an immediate custodial sentence.)

This policy is subject to the following exclusion:

The additional sentencing discount shall not apply to any conviction for (an) offence(s) of:

- (i) Premeditated murder, murder or attempted murder;
- (ii) Using, possessing or carrying a firearm;
- (iii) Sexual or violent offences against young persons or child victims;
- (iv) Possessing, making or distributing Child Pornography or
- (v) Serious Sexual Assaults

Any Accused person wishing to enter (an) unequivocal guilty plea(s) should make contact with the Director of Public Prosecutions for her determination on whether the case in question qualifies under the policy and whether she deems it suitable for an additional discount of up to 30%. Upon the agreement of the Director of Public Prosecutions, contact should be made with the Registry to request a listing for arraignment on one of the following dates:

Thursday 4 May 2022	2:30pm
Thursday 26 May 2022	10:00am
Thursday 26 May 2022	2:30pm
Tuesday 21 June 2022	10:00am
Wednesday 3 August 2022	2:30pm

Dated this 25th day of April 2022



The Hon. Mrs. Justice Shade Subair Williams
SUPERVISING JUDGE OF THE CRIMINAL DIVISION

CC:
The Attorney-General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates Court
Bermuda Bar Association
Legal Aid Office