

THE REPUBLIC OF TRINIDAD AND TOBAGO

**IN THE HIGH COURT OF JUSTICE
PORT OF SPAIN**

CR No. 090 of 2015

BETWEEN

THE STATE

AND

EVERTON JOSEPH

Before the Honourable Mr. Justice Hayden A. St.Clair-Douglas

Date of delivery: December 9, 2020

Appearances:

Ms. Danielle Thompson and Ms. Giselle Ferguson-Heller for The State

Mr. Fulton Wilson for Everton Joseph

SENTENCING NOTE

1. "I never completed school as a result of having my kids at a young age. I had my daughter at the age of 13 years old; I was then a Form 1 student at the Barataria South Secondary School. After giving birth to my daughter I went back to school and continued my schooling. I had advanced to Form 2 but became pregnant

again with my son. I was 14 years old. I never returned to school after having my son.”¹

These are not the words of a young female in some isolated plantation or far away rural community in 1940s Trinidad, these are the words of a young female who resides in an urban community in Trinidad in the 21st century. In the view of this court this is unacceptable.

2. On February 7, 2020, the prisoner was convicted of six counts of sexual intercourse with a female under the age of 14. The indictment alleged, in terms, that the episodes of intercourse had occurred in February, March, April, May and June of 2009. At the time of each of the incidents of sexual intercourse set out in the indictment the Virtual Complainant was a 12-year-old Form 1 student. Her date of birth is October 5, 1996. The prisoner was born on April 13, 1983. In February 2009 he was 2 months short of his 26th birthday. He was, by any measure, a man who ought to have known better.
3. According to the Indictment, the instant charges related to episodes of intercourse between February and June 2009 when the Virtual Complainant was under 14. The evidence at the trial demonstrates, however, that the laying of criminal charges in July 2009 did not act as a deterrent against the conduct that the prisoner had begun in February 2009. He continued to engage in intercourse with the Virtual Complainant even after he was informed that she was pregnant, and after he had been charged. She had her first child on November 15, 2009 – at which time she would just have turned 13, and she had her second child on August 10, 2011, at which time she was 14 years old. The prisoner confirmed during his trial testimony that he had fathered 3 children with the Virtual Complainant; the last being born when she was 18 years old.

¹ Victim Impact Statement dated June 23, 2020

4. The summary of events after June 2009, and the brief continuation of the narrative of this aspect of the Virtual Complainant's life, are intended to provide a contextual backdrop and informational epilogue only. It must be made clear, and this court wishes that it is made clear, that events after June 2009 (the date of the allegation contained in the final count of the indictment) are relevant only for the context that they provide. The prisoner has not been convicted, and is not now to be punished, for any of his actions that occurred after June 2009. Any reference by this court to those subsequent events or actions is intended only to provide informational context and has not been considered as aggravation of the instant offending.

5. In the telling of the Probation Report, the prisoner's explanation is that he and the Virtual Complainant were members of a Steel Orchestra, where he tutored her in playing the steel pan. He is said to have admired her "passion for music", which was like his. This admiration gradually transformed into a physical attraction. The prisoner states that he was encouraged by the mother of the Virtual Complainant to continue visiting her home so that he could financially support his son. (The court notes that the son was the second child, so that he is speaking of a time at which he was firstly, aware of her age, and secondly, aware of the prohibition against sexual activity with a minor. Further, with regard to the explanation proffered, the court notes that it was not necessary to visit the home in order to financially support one's children). The prisoner claims, according to the Probation Report, that the Virtual Complainant "presented herself as a very mature female" and as a result of this, he never questioned her age. The court regards this as unlikely in the extreme – certainly not after July 2009 – when he was charged with the first offence of having sexual intercourse with a female under the age of 14.

6. The penalty provided by the Sexual Offences Act for sexual intercourse with a female under the age of 14 is life imprisonment. The relevant section states that the offence is committed whether or not the female consented and regardless as to the state of the male person's knowledge of the age of the female.
7. By way of contrast, where a male person is charged with intercourse with a female between the ages of 14 and 16, the maximum penalty is lower; additionally, it is a defence to this charge if the male honestly believed that the female was 16 years old or older; or if the male was not more than 3 years older than the female and the evidence disclosed that the male was not wholly or chiefly to blame (whatever that may mean).
8. The evidence did not disclose predatory behavior on the part of the prisoner; neither was there any suggestion of force or compulsion exerted by the prisoner on the Virtual Complainant. The Virtual Complainant clearly was very precocious – she did not appear to have been put off by the prisoner's indication, on the first occasion, that he wanted to have sex with her; she asked him where he proposed that this would take place. Her evidence made it clear that she was the one who contacted the prisoner after the first encounter and invited him to her room – at a time when no one else was at home – ensuring that he would be able to get to her room on that and on subsequent occasions so that no one would see him as he got there.
9. The fact that the sexual activity was partly facilitated or initiated by the Virtual Complainant does not assist the prisoner by way of reduction of the appropriate sentence. The court regards it as a matter of mitigation only in the negative sense that the Virtual Complainant was not being treated in a manner which she was resisting or which she found repugnant at the time. But the law is clear, and the message must go forward, that underaged females are off-limits for sexual

activity, that punishment will be severe, and that it will not avail a man that the young girl was precocious, or to use the colloquialism – that she “look for it”.

10. Even acknowledging that the Virtual Complainant was not just a willing participant, but that she appeared to be an enthusiastic participant, the court is of the view that, this being a 12-year old girl, the prisoner ought to have known better. He ought to have done better. He ought to have turned away. In this connection, it is noted that the prisoner was aged 24 at the time of the first sexual encounter between the parties. To put it plainly, a 24-year-old man should have recognized that he was dealing with a child, a precocious child, and should have spurned her attentions.
11. In fact, the court is of the view that the prisoner took advantage of the age of the Virtual Complainant – with results that have manifested themselves.
12. Parliament has set the maximum penalty for the offence of sexual intercourse with a female under 14 years at life imprisonment; this is a clear indication of the seriousness with which this offence is regarded. There was no force or coercion in the instant circumstances, but even without force or coercion, the consequences are often significant. In the instant case it appears clear that the trajectory of the Virtual Complainant’s educational journey was significantly impacted – she dropped out of school. The prisoner claims ignorance, suggesting apparent maturity on the part of the Virtual Complainant. But even at a stage when the police had been brought into the picture, when her age would have been made clear, as well as the fact that the sexual activity was against the law, he persisted.
13. The Probation Report suggests the possibility of a relationship of trust between the prisoner and the Virtual Complainant stemming from the fact that he was her tutor in teaching her to play the pan. This was not borne out by the evidence

at trial, which merely indicated that they were members of the same steel orchestra, not that he was responsible for guiding or teaching her. I therefore expressly disregard a relationship of trust as an aggravating factor of the offending.

14. The evidence at trial made it clear that the Virtual Complainant was a willing participant in the sexual activity. While evidence of force or violence would have the effect of aggravating the offending, I take the view that the fact that the Virtual Complainant willingly participated in the sexual activity is not a factor which will have the effect of ameliorating the seriousness of the offending. Specifically, it will not have the effect of lowering the starting point or producing any deduction in sentence. I take the view that the law in this area exists to protect young, precocious girls *from themselves*. If this is so, it does not lie within the mouth of the person convicted of the offence, and it certainly does not lie within the mouth of the sentencing court, to suggest that “she look for it” and therefore – for that reason – that the appropriate sentence ought to be lowered or reduced. Secondly, I take the view that older men are supposed to know better, and to turn away, regardless of the temptation.
15. I take the view that it is necessary for the court to reaffirm, in case there ever has been any doubt, that cases involving sexual activity with minor children will attract the most severe punishment. For those in respect of whom the thought crosses their minds, they must be left in no doubt but that the consequences will be severe.
16. I accept the contentions of counsel for the prisoner that the issue of deterrence vis-à-vis the individual offender is not high. It is to be hoped that the sentence in the instant case will deter the prisoner from further offending.

17. Having regard to the circumstances of this case, I form the view that the starting point for sentencing should be 12 years. The following points are to be made:

- A man is supposed to know better – a defendant cannot rely on consent and he cannot raise the issue of the apparent or ostensible age of the Virtual Complainant. Even in respect of the precocious girl, he must walk away
- Despite the fact that the reproductive aspects of the female anatomy may physically be functioning by age 14, a 14-year-old girl is not properly equipped to become a mother. Certainly not in today's societal conditions. Such a girl is likely to lack the physical and financial wherewithal to look after and raise another human being. Such a girl is likely to lack the emotional maturity to raise a child – she being herself a child.
- A question is often posed to children and young persons about their ambitions and aspirations when they grow up. The responses are likely to be varied, and as limitless as the frontiers of a child's imagination: chef, or professional football player, or professional athlete, or doctor, or lawyer, or representing the West Indies, or going to the Olympics, or singer, or actress, or air hostess, or model. Even with the wide variation in childhood ambitions and imaginations, this court has never encountered a young girl whose ambition was to have her first child at age 12, to have 2 children by age 14, and to have 3 children by the time she had attained adulthood.

18. The Probation Report indicates that the Virtual Complainant regretted her inability to complete her secondary education; she notes that she was academically inclined. She left school after the birth of her second child – at age 14. She never completed her secondary education. In the view of this court, this is a telling observation, in that it demonstrates the very point to be made in

respect of one of the objectives of the law. This being to protect and shield young girls from the duties and responsibilities of motherhood, and to postpone that aspect of their lives until *after* they have had the opportunity of securing an education. The Virtual Complainant in the instant case was deprived of that opportunity. This court is unaware of the details of the Virtual Complainant's ambitions, but this court is of the view that it is appropriate to say of the prisoner that he has ruined this young girl's life.

19. The evidence at trial demonstrated that the prisoner was, at the time of the commission of these offences, a person of good character, he was an accomplished musician. Previous good character is not irrelevant to the sentencing process and should not be ignored. I form the view that having regard to all the circumstances of this case, the previous good character of the prisoner entitles him to a downward adjustment of the starting point – by one year to 11 years.
20. Counsel in mitigation stressed the fact that the prisoner is the father of the 3 children of the Virtual Complainant; counsel contended that the court should note that a custodial sentence will deprive those children (as well as the 3 other children that the prisoner has fathered) of a breadwinner. It seems to this court that such a contention rings hollow in the face of the evidence of the Virtual Complainant under cross examination that the prisoner has not been helping her take care of his children; that he has not been paying maintenance that was ordered by the court. In her victim impact statement, the Virtual Complainant put the figure of arrears at \$39,600. It is clear that the prisoner did not regard his responsibility toward his children as a priority.
21. The issue to be addressed next is time spent in pre-trial custody. As at the current date, the prisoner will have been in custody for just over 1 year. This

- time will be deducted from the sentence to be imposed, further reducing it to 10 years.
22. Counsel for the prisoner has submitted that this court ought to have regard to the fact of the COVID-19 pandemic which has had the world in its grip for the majority of the current year. It continues at the present time to challenge the epidemiologists and overwhelm health care systems – even in first world countries. Its methods of transmissions and outward manifestations remain unclear at the present time. Trinidad and Tobago has not been spared the impact of the pandemic; it has been necessary for wide-ranging changes to be implemented in every aspect of daily life across every spectrum and strata of the country. The court is aware that the prison system has been affected by the COVID-19 coronavirus. The question in the circumstances is whether, and if so, to what extent, a court should take into consideration the effect of the COVID-19 on prison conditions and prison life when passing sentence.
23. Courts in the United Kingdom have addressed their minds to this question and their approach has been that the effect of the COVID-19 emergency is a factor which is relevant to be taken into consideration during the sentencing process.
24. *R v Manning*² was a reference by the UK Attorney General to the Court of Appeal asking it to reexamine a sentence which he contended was unduly lenient. The offender had pleaded guilty to four counts of sexual activity with a child, and one count of causing a child to engage in sexual activity. He was sentenced, among other things, to 12 months' imprisonment, which was suspended for 24 months. The Court of Appeal agreed that the starting point used by the sentencing judge had been too low, and that the custodial term should have been greater. The further issue was whether the sentence should have been suspended. The Court of Appeal considered it to be a relevant factor that the reference was being

² [2020] EWCA Crim 592; [2020] 4 W.L.R. 77.

heard at a time when the impact of the COVID-19 emergency was being fully felt – including in the UK prison system. The Court stated that the conditions in prisons represent a factor which can properly be taken into account in deciding whether to suspend a sentence. In this regard, the court took into consideration that the impact of a custodial sentence is likely to be heavier during the COVID-19 emergency than it would otherwise be. The Court concluded that, though the length of the custodial term ought to have been increased having regard to the offending, it was appropriate that it should remain a suspended sentence – when the prevailing circumstances of the COVID-19 emergency are taken into consideration.

25. The appellant in *R v Davey*³ had pleaded guilty to an offence of causing GBH. He was sentenced to 2 years' imprisonment. The victim of the attack was the appellant's partner; the violence was therefore domestic in nature. The medical information revealed signs of facial injury, pain all over the face, nose swelling and signs of recent nosebleed. There was localized redness and scratches on the front of the neck. There was multiple bruising to the front of the chest and the left forearm. The attack was said to have had a lasting and marked effect on the victim and on her children. The appellant had a previous conviction for assault on another partner by placing his hands around her neck and squeezing. He had another conviction for assaulting another ex-partner by pushing her and placing her in a stranglehold. The appellant contended that his custodial sentence should have been suspended.
26. The Court of Appeal came to the conclusion that the appropriate sentence, taking into consideration the aggravating factors, was one of 30 months' imprisonment. Taking account of mitigating factors and also reflecting the conditions at prison due to the COVID-19 pandemic, the court determined that

³ [2020] EWCA Crim 1448

the appropriate sentence after trial should have been one of 23 months. With a 20% deduction for the plea of guilty, the Court of Appeal arrived at a sentence of 18 months.

27. On the question of suspending the sentence, the Court of Appeal noted that this was the appellant's third conviction for an offence of domestic violence. The court found that it was appropriate for the sentencing judge not to have suspended the inevitable custodial sentence. The court felt that appropriate punishment could only have been achieved by immediate custody.
28. What therefore is the impact of the current pandemic on the sentence to be imposed in the instant case? I am of the view that the pandemic is a factor which should be taken into consideration and which can result in a reduction in the time to be served, but that it cannot result in a transmutation of what would otherwise have been a custodial sentence into a non-custodial sentence. In the instant circumstances the court is of the firm and clear view that the instant offending warrants a custodial sentence; the court has determined that the current circumstances of the COVID-19 pandemic warrant a discount – which will be accorded. Having regard to the additional rigors and hardships that are likely have come about as a result of the COVID-19 pandemic, the court will allow a further discount of 1 year – further reducing the sentence to 9 years.
29. Sentence to be imposed is one of 9 years in respect of each count. The sentences to be at hard labour, and they are to run concurrently. The sentence would ordinarily begin from the date of conviction – on the assumption that that is the date on which the prisoner had been taken into custody. In this instance, as noted previously, the time in custody has been credited up to the present day. The sentences therefore begin from today.

Sentencing under the amendments to the Sexual Offences Act

30. The prisoner has been convicted of offences contrary to s 6(1) of the Sexual Offences Act, Ch 11:29 of having sexual intercourse with a female under the age of 14. The offence of sexual intercourse with a female under 14 has been repealed by the Children Act, 2012.⁴
31. A “sex offender” is defined by the Sexual Offences Act as a person who has been convicted of a registrable offence, and who was, at the time of commission of the offence, over the age of 18. A “registrable offence” is an offence listed in Schedule 1 of the Sexual Offences Act. It is an offence in respect of which, pursuant to s 49 of the Sexual Offences Act, a court must order compliance, on the part of a convicted person, with the provisions of the Act that mandate registration as a registered sex offender as well as periodic reporting to a police station after initial registration.
32. Though the offence under s 6(1) has been repealed, it has been made a registrable offence by the Sexual Offences (Amendment to Schedule 1) Order, 2020. The prisoner is therefore a “sex offender” as defined by the Act.
33. Section 49 of the Sexual Offences Act sets out the procedure that a court is to adopt in ordering a person convicted of a registrable offence to report to a police station for the purposes of registering as a registered sex offender. This procedure appears to be mandatory or permissive depending on the nature or status of the offence of which the offender has been convicted. Section 49(1)(a) provides that the court *shall* make orders regarding reporting for registration as a sex offender where the offender has been convicted of an offence under the following sections of the Sexual Offences Act: section 4 (rape), section 4A (Grievous sexual assault), section 9 (Incest), section 12 (Sexual intercourse with a

⁴ see s 123 and Schedule 3 – consequential and other amendments to various Acts

mentally subnormal person) and section 18 of the Children Act (Sexual penetration of a child). Section 49(1)(b) appears to allow for a discretion in respect of offenders convicted of offences other than those set out in paragraph (a); it provides that the court *may* make an order regarding reporting for registration as a sex offender where the offender has been convicted of an offence other than an offence under paragraph (a).

34. As serious as the offence under s 6(1) is, it has not been categorized as a mandatory (shall) offence pursuant to s 49(1)(a). The conviction of the s 6(1) offence does not, therefore, attract a mandatory order of registration.
35. Before the court makes its determination regarding registration as a sex offender, it must request a mental assessment report on the offender. In making its determination whether the offender should be ordered to report for registration as a sex offender, the court must take account of the matters set out at s 49(3) of the Act.
36. The Psychiatric Evaluation on the prisoner is dated September 8, 2020. It was performed by the Senior Medical Officer of the Forensic Psychiatry Unit at the St. Ann's Hospital. In very brief summary the report notes that he was aware and oriented in respect of the nature and consequences of his convictions. He did not exhibit any sign or symptom of a psychiatric illness, mood disorder or impulse control disorder. He did not endorse a preference for sexual activity with minors nor did the evaluation discern any information suggestive of such interest. The report states that the prisoner did not meet the diagnostic criteria for Pedophilia.
37. I now set out (in bold) the issues to be taken into account pursuant to s 49(3), as well as my assessment of each of these issues in the instant case:

- (a) **the findings of the mental assessment report required by s 49(2)** – in this case, the significant findings of the psychiatrist who conducted the examination and evaluation of the prisoner are (i) that he did not exhibit any sign or symptom of a psychiatric illness, mood disorder or impulse control disorder; (ii) he did not endorse a preference for sexual activity with minors nor was any information suggestive of such interest unearthed. The psychiatrist concluded that the prisoner did not meet the diagnostic criteria for Paedophilia.
- (b) **the nature and gravity of the offence** – I form the view that the offence is serious, and that it was compounded by the impregnation of the Virtual Complainant at a tender age.
- (c) **whether the sex offender has been charged or convicted of any other registrable offence during his reporting period** – this will be the prisoner’s first registration as a sex offender; any reporting that is mandated will be his first reporting. There therefore will, at present, have been no further offending during the reporting period.
- (d) **the risk of reoffending** – on this issue, I address my mind to the likelihood of the prisoner reoffending by engaging in sexual activity with a minor – as opposed to generalised sexual offending (rape, indecent assault etc.) or other sexual deviance. Having regard to the circumstances under which the instant offending came about and having regard to the assessment of the psychiatrist noted above, I form the view that the prisoner is unlikely to reoffend by engaging in sexual activity with a minor. This view is based on the professional opinion of the psychiatrist, that the prisoner does not exhibit the clinical traits of a paedophile. I form the view that the prisoner is

unlikely to reoffend by engaging in generalised sexual offending (rape, indecent assault etc.) and I do not regard the prisoner as a sexual deviant.

(e) **the risk of harm to the victim or any other person** – once again, having regard to the instant circumstances I form the view that the prisoner poses very little risk of harm to the Virtual Complainant or to any other person.

(f) **whether the victim was a child or a person with a mental disorder** – the Virtual Complainant was, at the time of the instant offending, a child.

(g) **whether the sex offender was in a position of care, authority or supervision of the victim** – the probation report notes that the prisoner tutored the Virtual Complainant in playing the steel pan; the evidence of the Virtual Complainant merely states that they belonged to the same steel orchestra; she did not describe him as her tutor or instructor. Even in the context of one individual teaching another to play the steel pan, I form the view, in the absence of evidence that disclosed e.g. that the Virtual Complainant belonged to a school band or that the prisoner was specifically charged with her welfare in addition to teaching the steel pan, that the prisoner was not in a position of care, authority or supervision of the Virtual Complainant.

(h) **any other compelling reasons in the circumstances of the case** – I discern no additional circumstances of the instant offending which may be said to amount to additional aggravating or compounding of the instant offending.

38. Having regard to the matters set out at s 49(3), I address my mind to the question of registration as a registered sex offender. Though the offence of which the prisoner has been convicted is not covered by the mandatory requirement of registration contained in s 49(1)(a), I am of the view that the prisoner must register as a registered sex offender. I form this view because of the serious nature of the offence of which he has been convicted. I have discussed the potential penalty which a person convicted of an offence contrary to s 6(1) of the Sexual Offences Act is exposed to. In my view, this offence is the precursor to the offence of Sexual Penetration of a Child, contrary to s 18 of the Children Act. The offence contrary to s 18 is a s 49(1)(a) offence in respect of which a court *shall* order registration. I form the view that the offence contrary to s 6(1) is of the same order of magnitude and seriousness as that contrary to s 18.
39. For the reasons set out above, and after taking into consideration the matters enumerated at s 49(3) of the Act, I order that the prisoner is to report, for the purpose of registration as a registered sex offender, to the police station nearest to his main address within seven calendar days of his discharge from prison pursuant to the sentence which I impose in respect of this matter.
40. Section 49(4) provides that where a court makes an order requiring a person to register as a registered sex offender, the court is required to state
- a) the duration of the reporting period;
 - b) the frequency with which the registered sex offender will be required to report;
 - c) whether or not the information regarding that sex offender shall be published on the website which the Commissioner of Police is required to establish for the publication of information containing the names,

photographs, address and biographical details of registered sex offenders.

41. Section 56(1) of the Act provides that the period during which a registered sex offender is required to report to the police station is to be the period set out in Schedule 5 corresponding to the sentence that is imposed on the offender. Section 56(2) somewhat confusingly provides that the reporting periods in Schedule 5 shall be the maximum reporting period for each offence listed in the Schedule. Schedule 5 lists no offences, but merely “bands” of sentences ranging from no sentence to a sentence of more than 15 years. By stating that the reporting periods are the maximum, the implication is that the court has the discretion to order a lower reporting period. Having stated that the reporting period is to be the maximum reporting period (implying that a shorter reporting period may be ordered), s 56(2) goes on to state that the reporting period shall not be reduced by any reduction in the sentence imposed on the registered sex offender. The subsection appears, on the one hand, to be providing for flexibility in the length of the reporting period that may be ordered, while at the same time stipulating that the reporting periods are not to be reduced even if a lower sentence is imposed than that contemplated as the maximum for the offence.

42. In the circumstances of the instant case, addressing my mind to the question of the need for registration and reporting thereafter, I do not consider the prisoner to be the type of offender against whom society (or a certain section of society) needs to be protected by the imposition of extreme vigilance and constant monitoring. The psychiatrist has expressed his professional opinion that the prisoner does not exhibit the traits of a pedophile. I understand this to mean that he is not a person who entertains uncontrolled sexual urges towards minors. Though the instant offending was clearly repeated over the course of years, I form the view that, as between the prisoner and the Virtual

Complainant, it was one-off offending directed at one particular individual, and not part of a pattern of generalized offending by the prisoner.

43. I have previously determined that the sentence to be imposed in the circumstances of the instant offending is one of 9 years. The obligation of registration and subsequent reporting arises upon the release of the individual from prison custody, if a custodial sentence has been imposed. In the instant case, I take account of the current age of the prisoner, and his likely age at the conclusion of his sentence. I remind myself of the content of the psychiatric evaluation and the professional opinion of its author. Taking these factors into consideration, I order that the duration of the prisoner's reporting period is to be 10 years after his release from prison custody. The frequency of the prisoner's reporting is to be annual, that is to say, that it commences on the one-year anniversary of his initial registration and continues for a period of 10 years thereafter.
44. I order that information regarding the prisoner shall be published on the website to be established by the Commissioner of Police for the publication of information containing the names, photographs, address and biographical details of registered sex offenders.

To summarise, and in conclusion, the sentence and orders of this court are as follows:

- A. Sentence 9 years in respect of each count. Sentences are to be at hard labour and they are to run concurrently. These sentences begin from today.
- B. The prisoner is to report, for the purpose of registration as a registered sex offender, to the police station nearest to his main address within seven calendar days of his discharge from prison pursuant to the sentence that this court has imposed.

- C. The duration of the prisoner's reporting period is to be 10 years after his release from prison custody.
- D. The frequency of the prisoner's reporting to the police station is to be annual, commencing on the one-year anniversary of his initial registration and continuing for a period of 10 years after first registration.
- E. Information regarding the prisoner shall be published on the website to be established by the Commissioner of Police for the publication of information which will contain the names, photographs, address and biographical details of registered sex offenders.

Dated this 9th day of December, 2020

Hayden A. St.Clair-Douglas

Judge