



The Court of Appeal for Bermuda

CRIMINAL APPEAL No 13 of 2013

Between:

NORRIS SIMPSON

Appellant

-v-

THE QUEEN

Respondent

Before: **Baker, President**
Kay, JA
Bernard, JA

Appearances: Mr. Kamal Worrell, Lion's Chambers, for the Appellant
Ms. Cindy Clarke, Department of Public Prosecutions, for the Respondent

Date of Hearing & Decision: **9 June 2015**

Date of Reasons: **23 June 2015**

REASONS

1. On 9 June 2015 we granted the appellant an extension of time and leave to appeal against sentence. We then allowed his appeal. These are our reasons. Following a trial between 15 January and 1 February 2013 he was convicted of the brutal murder of Ida James, a 66 year old retired social worker. On 3 April 2013 he was sentenced to life imprisonment with a direction that he serve 23 years before consideration for parole. Time spent in custody was to be taken into account.
2. Ms. Clarke for the Crown conceded before us that the direction to serve at least 23 years was unlawful in the light of the Privy Council's construction of section

of 288(1) of the Criminal Code Act 1907 in the case of *Selassie and Pearman v The Queen* [2013] UKPC 29. This decision was given on 8 October 2013 i.e. six months after the sentence was passed. In the light of the Privy Council's decision the appropriate term was 15 years rather than 23 years. We allowed the appeal and varied the judge's order accordingly

3. Parliament has since amended Section 288(1) giving the Court a discretion as to the portion of a sentence that must be served before an application to the Parole Board for release on licence but this only became effective on 19 September 2014. It does not of course follow that the appellant will be released at or soon after he has served 15 years, simply that an application for release may be entertained or granted at that point.

Signed

Baker, P

Signed

Kay, JA

Signed

Bernard, JA