In The Supreme Court of Bermuda

APPELLATE JURISDICTION
2019: 38
2019: 39

HOWARD ASCENTO

Appellant

-v-

FIONA MILLER
(POLICE SERGEANT)

Respondent

And

HOWARD ASCENTO

Appellant

-v-

BARRY RICHARDS
(POLICE INSPECTOR)

Respondent

JUDGMENT

Breach of a Domestic Violence Protection Order - Appeal against sentence in the Magistrates' Court- Whether sentence was harsh and manifestly excessive- Relevance of an offender's previous convictions in sentence proceedings – Whether sentences passed should have been made to be served consecutively or concurrently

Date of Hearing: 02 July 2020
Date of Judgment: 04 September 2020

Appellant Ms. Auralee Cassidy, KAIROS Philanthropy
Respondent Ms. Kentisha Tweed for the Director of Public Prosecutions

JUDGMENT delivered by S. Subair Williams J

Introduction and Factual Background

1. This is an appeal against the sentence imposed in the Magistrates' Court on Information 18CR00145 (*Howard Ascento v Fiona Miller*) and Information 19CR00339 (*Howard Ascento v Barry Richards*). The Appellant, Howard Ascento, is a 32 year old male.

2. On 8 November 2019 Magistrate Maxanne Anderson sentenced Mr. Ascento for the following offences:

   Information 18CR00145 (Howard Ascento v Fiona Miller)

   Count 1
   On the 2nd day of April 2018, in Pembroke Parish, did contravene a domestic Violence protection order, in that you telephoned Nadia Silva, being a protected person. Contrary to section 23 of the Domestic Violence Protection Orders Act 1997
   (9 months imprisonment imposed)

   Count 2
   On the 2nd day of April 2018, in Pembroke Parish, did utter threatening words in writing to Nadia Silva namely U N EVERYONE IN YA HOUSE GOING SEE TONIGHT. Contrary to section 12 of the Summary Offences Act 1926
   (3 months imprisonment imposed concurrent to Count 1)

3. The unchallenged summary of facts underlying the Appellant's guilty plea on Information 18CR00145 was as follows:

   "*The complainant in this matter is Nadia Silva and the defendant is Howard Ascento. They have three children together. During their relationship the defendant was abusive to the complainant which caused the complainant to end the relationship in 2017.*

   Since the relationship ended the defendant will constantly call and text the complainant and also threatened to do her harm from his telephone number 7328607.

   As a result of threats and constant harassment, the complainant applied for a Protection Order against the defendant.

   On Monday 26th March 2018 the court granted the complainant a Temporary Protection Order. Within this order the defendant is not to make contact with the complainant in person or telephone or by text message. Later on the same day a copy of the order was served to the defendant.

   After being served with the Protection Order the defendant has continued calling and texting the complainant. In one of the text messages the defendant said, "U n everyone

in ya house going see tonight." As a result of this message the complainant was in fear for her life and contacted the police to report the incident.

On Tuesday 3rd April 2018 whilst the complainant was being interviewed at Hamilton Police Station the defendant telephoned the complainant, whilst the phone was ringing the complainant showed her phone to the officer to see the call from the defendant's number. Shortly after the complainant emailed screen shots from her phone to the officer showing the calls and text messages from the defendant's number.

On Tuesday 10th April, 2018 the defendant attended Hamilton Police Station where he was informed of the report. At 7:25 pm the defendant was arrested and when cautioned he made no reply. Between 8:37pm and 8:48pm the defendant was interviewed under caution. During the interview the defendant said that he is crying out for help to get access to his children. He also said that he cannot remember texting or calling the complainant after being served a copy of the Protection Order. The defendant also stated that his telephone number is 7328607

At 11:25pm the defendant was charged with the offence of Breach of a Domestic Violence Protection Order and Threatening words. He was cautioned to which he made no reply.

4. Part and parcel of the same sentencing proceedings, the magistrate also sentenced the Appellant on Information 19CR00339 as follows:

Information 19CR00339 (Howard Ascento v Barry Richards)

Count 1
On Wednesday 19th day of December, 2018, in the Isles of Bermuda, did contravene a Domestic Violence Protection Order, in that you approached within one hundred meters of Nadia Silva, being a protected person.
Contrary to section 23 of The Domestic Violence Protection Orders Act 1997
(12 months imprisonment imposed)

Count 2
On Friday 1st day of March, 2019, in Pembroke Parish, did contravene a Domestic Violence Protection Order, in that you approached within one hundred meters, Nadia Silva, being a protected person, Contrary to section 23 of The Domestic Violence Protection Orders Act 1997
(12 months imprisonment imposed)

Count 3

On Monday 4th day of March, 2019, in the Isles of Bermuda, did contravene a Domestic Violence Protection Order, in that you sent direct messages on Instagram, Social media to, Nadia Silva, being a protected person, Contrary to section 23 of The Domestic Violence Protection Orders Act 1997

(12 months imprisonment imposed)

5. The sentences imposed on Information 19CR00339 were made to run concurrently with the sentences ordered on Information 18CR00145. The 19CR00339 sentences were based on the following agreed facts:

"…*The complainant was in a relationship with the defendant for about eight (8) years, which ended in 2016. Together they share three children. Due to the toxic nature of the relationship the complainant obtained a Domestic Violence Protection Order against the defendant in 2017. The protection order prohibits the defendant from being within one hundred (100) meters of the complainant and within two hundred (200) meters of the complainant's home. Through the order the defendant is also prohibited from, using violence of any nature against the complainant, whether taking the form of physical or psychological abuse, threats harassment or molestation of any form directly or indirectly, or through the use of any written or oral media, telephone or any other telecommunications means, including but not limited to email correspondence and text messages, including causing any damage to the complainant's personal property directly or indirectly.*

On Wednesday December 19 2019 around 3:10pm the complainant was at Paget Primary School parking lot, in her car with her daughter. She saw a motorcycle pull up into the school parking lot, beside the passenger's side of her car. She recognized the male to be the defendant. The defendant got off motorcycle and went to the driver's side of the car where the complainant was tending to her daughter. The complainant's foot was hanging outside the car door and the defendant stood directly behind the car door. The complainant got out of the car and walked around the car to avoid the defendant. Afraid the defendant was going to hit her, the complainant said, "YOUR REALLY GONNA DO THIS HERE?" To which the defendant replied, "WHERE ELSE YOU WANT ME TO DO IT?" The complainant walked away from the car and the defendant. The defendant got close to her again and she repeated, "YOU REALLY GONNA DO THIS?" The complainant called 911 and the defendant casually walked away.

At 6:51pm, same date the complainant was in her kitchen at her home. She was looking through the window and suddenly saw the defendant standing there. Immediately she called 911. She looked through a bedroom window and could see the defendant leaving.

On Friday March 1 2019 around 9:00pm the complainant was driving her car along Marsh Folly Road, near St. John's Preschool. At this time a motorcycle pulled up next

to her car while in motion. The complainant saw the rider's face and recognized it to be the defendant. He road (sic) [rode] next to the complainant for about three (3) to four (4) seconds. The complainant could see that the defendant was talking but her windows were up and she could not hear what he was saying. The complainant immediately picked up her phone and called 911. She started to speed up and turned down towards Bernard's Park, Dutton Avenue. The complainant started to drive towards Hamilton Police Station and noticed the defendant riding behind her. Once she turned onto Victoria Street near the police station she no longer saw the defendant behind her.

Monday March 4 2019 around 12:22pm the complainant received a direct Instagram message from a user with the screen name "ASCENTOHOWARD." The first message read, "NADIA." Followed by three lengthy voice notes at 12:23pm, 12:24pm an 12:24pm (sic). From the voice notes the complainant recognized the voice to be the defendant. In the second voice note he threatened to slap the complainant. Between 12:22pm and 12:58pm the complainant received ten (10) messages from "ASCENTOHOWARD." At 12:23pm the complainant received a missed call from 441-705-5359. The complainant returned the missed call and when the caller answered she noticed it to be Ascento. The call lasted for twenty seven (27) seconds.

Around 4:41pm and 7:17pm on the same day the complainant [received] messages on Instagram from "ASCENTOHOWARD." Around 2:45pm on March 5 2019 the complainant received another message on Instagram from "ASCENTOHOWARD." At 3:11pm the complainant received a conversation from "ASCENTOHOWARD" followed by another message at 3:12pm.

The Sentence Hearing

6. On Information 18CR00145, the Crown submitted before the magistrate that the appropriate sentence on Count 1 would be 9 months imprisonment while the Defence contended that the correct range of sentence was 1-3 months imprisonment. In respect of Count 2 the Crown sought a 3 month sentence while the Defence urged the magistrate to impose no more than a 1 month term of imprisonment.

7. The magistrate imposed 9 months imprisonment on Count 1 and 3 months imprisonment on Count 2. The related facts for these two counts on Information 18CR00145 are:

<u>Information 18CR00145</u>

Count 1: the 3 April 2018 attempts to reach the Appellant by telephone while she was at Hamilton Police Station. (It appears that the 2 April 2018 date pleaded in Count 1 was intended to state 3 April. No issue on any

misstatement of the date was raised on appeal and I find that nothing of significance could turn on this point in any event.)

Count 2: the 2 April text messages threatening, *"U n everyone in ya house going see tonight."*

8. At the same sentence 8 November 2019 sentence hearing the magistrate sentenced the Appellant in respect of his guilty pleas to Information 19CR00339. The Crown invited the magistrate to impose a 9 month sentence of imprisonment for each of the three counts of breach of a protection order charged on Information 19CR00339. The Defence urged the magistrate to consider a sentence of 3 months imprisonment with concurrent sentencing.

9. Below are the related facts for the three counts on which the Appellant was sentenced to 12 months imprisonment each:

Information 19CR00339

Count 1: the 19 December 2019 Paget Primary School parking lot incident

Count 2: the 1 March 2019 episode where the Appellant suddenly appeared on Marsh Folly Road and rode his motorcycle alongside the Complainant's moving car following her to Victoria Street near Hamilton Police Station and

Count 3: the numerous Instagram messages and attempts for telephone contact made on 4 March 2019 which included a voice note where the Appellant threatened to slap the Complainant.

10. (It appears that the Appellant was not charged for an offence arising out of his attempt to contact the Complainant on 5 March 2019 via Instagram.)

11. The global sentence passed on the Appellant was 12 months imprisonment because the sentences passed on Information 19CR00339 were ordered to run concurrently to the sentences imposed on Information 18CR00145.

12. Magistrate Anderson's sentence remarks are noted on page 18 of the Record:

"*The Court considers any breach of a DVPO to be serious and a concern. The Court after hearing submissions from the parties taking into consideration Sections 53-55 of the Criminal Code and the Defendant's early guilty plea…*"

Analysis and Decision:

13. Under section 23 of the Domestic Violence (Protection Orders) Act 1997 it is an offence to contravene a protection order and a maximum sentence of a $5,000.00 fine and / or 12 months imprisonment may be imposed in respect of such an offence. This maximum tariff applies to all of the offences charged on Information 19CR00339 and Count 1 of Information 18CR00145.

14. The maximum sentence which may be passed in respect of an offence of uttering threatening words contrary to section 12 of the Summary Offences Act 1926 is a $2,880.00 fine and / or 6 months imprisonment. This is relevant to Count 2 of Information 18CR00145.

15. The Appellant complains that the sentences passed were harsh and manifestly excessive as the magistrate imposed the maximum term of imprisonment without regard to the Defendant's right to credit for his guilty plea. Indeed, I accept that the magistrate erred in imposing the maximum 12 month sentence for the three offences charged on Information 19CR00339 as no visible reduction was given to the Appellant for his guilty plea and show of remorse.

16. In assessing how the magistrate ought to have approached the sentencing of the Appellant, I must first assess the appropriate basic sentence, having regard to the general principles of sentencing. In so doing, I am met with some contention as to how I should consider the Appellant's previous record of convictions.

17. The Appellant has a record of previous convictions spanning from 2011 to 2016. His convictions were for traffic offences; drug offences; attempting to pervert the course of justice and unlawful assault occasioning bodily harm. Of particular note and concern, the Appellant appeared before the magistrate, having previously been convicted on 29 September 2016 for two counts of assault causing her bodily harm against the same Complainant who features in the present case. For these offences he was sentenced to 6 months imprisonment in addition to 2 years probation. His Counsel, however, argued that there were no relevant aggravating factors which would engage section 55(2)(f) of the Criminal Code which provides:

Imprisonment to be imposed only after consideration of alternatives

55 (1) A court shall apply the principle that a sentence of imprisonment should only be imposed after consideration of all sanctions other than imprisonment that are authorized by law.

(2) In sentencing an offender the court shall have regard to –

…

(f) the presence of any aggravating circumstances relating to the offence or the offender, including –

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factors;

(ii) evidence that the offender, in committing an offence, abused a position of trust or authority in relation to the victim

18. Ms. Cassidy submitted that the list of motivating factors and circumstances stated under 55(2)(f)(i)-(ii) was exhaustive and that the section on aggravating factors is incapable of applying to an offender's previous convictions. She pointed to section 55(2)(g) where the Court is required to have regard to an offender's good character and the absence of a criminal record in consideration of any mitigating circumstances. In essence, her argument was that the presence of previous convictions does not make for an aggravating factor but the absence of previous convictions does, on the other hand, amount to a mitigating circumstance.

19. Ms. Cassidy ambitiously expanded her submissions to suggest that the Appellant could be regarded as being of previous good character on the basis that his previous offences differed in nature from the present offences. She said that the Court should find that the Appellant had no "reckonable offences".

20. The term "reckonable offences" is a statutory one which is lifted from section 3 of the Traffic Offences (Penalties) Act 1976 which provides:

3 (1) In this section "reckonable offence" means an offence against a provision of law specified in heads 1 and 2 of Schedule 2 of a description specified in head 3 of Schedule 2.

(2) Where-

(a) a person is charged with a reckonable offence; and

(b) he has within the two years preceding the date of commission of such offence been convicted of a previous reckonable offence, such previous conviction shall, for the purpose only of determining the period of disqualification…be deemed to be a previous conviction…

Provided that in each group of Schedule 2 the offences therein specified shall be reckonable inter se, the offences specified in group 1 shall be reckonable with the offences specified in group 2 but not conversely.

21. The law on reckonable offences do not have a general application to the principles of sentencing. It is a term which has a meaning specially reserved for road traffic offences. Thus, I do not find Ms. Cassidy's use of this term helpful.

22. Moreover section 55(2)(g)(i) clearly describes "*the absence of a criminal record*" as a mitigating factor.

23. As for the question as to whether an offender's previous convictions may be regarded as an aggravating factor, the general principle is that is that they may not as no one should be re-punished for a crime which has been atoned by law. However, in assessing the nature and the seriousness of the offence, including the physical and emotional harm done to the victim, as required by section 55(2)(a) of the Criminal Code, the magistrate was bound to take into account that the Appellant was previously convicted in late 2016 for two counts of assault occasioning bodily harm against the same Complainant in this case. Indeed, Magistrate Anderson, in imposing the maximum sentence of 12 months, expressly found that the offences before her were serious.

24. As I have stated, the appropriate basic sentence must be determined as a first step. The second step would then be to consider whether there are any mitigating or aggravating factors which would reduce or increase the sentence. In this case, I find that there are no statutory aggravating factors (as listed in 55(2)(f)(i)-(ii)) and that the Appellant's guilty plea and expression of remorse is his only mitigation. Ms. Cassidy submitted that a guilty plea would usually reduce a sentence by 50%. I do not accept such a bold proposition. The Crown, on the other hand, observed that a 1/3 reduction is the common approach. In *R v Mello (Sentence)* [2019] Bda LR 78 [para 17], Simmons J remarked, with which I would agree; "*The court is not expected to delve into a strict mathematical exercise in arriving at a discount for your guilty plea. Rather in the circumstances the court takes it into account in arriving at each sentences* [sic]"

25. The offences committed on Information 18CR00145 occurred in April 2018. On the evidence before the Court, the breach of the domestic violence protection order in Count 1 where the Appellant telephoned the Complainant, occurred one day after the commission of the Count 2 offence which is the threatening words i.e. "U N EVERYONE IN YA HOUSE GOING SEE TONIGHT."

26. The Appellant's threatening words were uttered against the background of a domestic violence protection order and against the background of 2016 ABH convictions committed against the Complainant. These factors illustrate the seriousness of the offence, to which the Court must have regard in determining the basic sentence. The maximum prison sentence is one of 6 months for the offence of uttering threatening words contrary to section 12 of the Summary Offences Act 1926. I find that the appropriate basic sentence is 5-5 ½ months imprisonment and that an early guilty plea would properly result in a sentence of **3 months imprisonment**, as imposed by

Magistrate Anderson. I would, therefore, not quash the original sentence imposed on Count 2 of Information 18CR00145.

27. The Count 1 offence of breach of a protection order by telephone contact ought to be treated less severely than the other breach offences charged on Information 19CR00339. I find that the appropriate basic sentence is 6 months imprisonment. Applying the reduction available to the Appellant because of his guilty plea, I would reduce the sentence **to 4 months imprisonment on Count 1 of Information 18CR00145**.

28. I now turn to Information 19CR00339 where all three convictions are for offences of breach of a protection order, contrary to section 23 of the Domestic Violence (Protection Orders) Act 1997. The nature and seriousness of these offences cannot fairly be assessed in silos. The Court must be mindful of the relevant background to the commission of these offences. Thus, it must not be ignored that the Appellant (i) previously committed offences of ABH against the same Complainant in September 2016 and (ii) previously breached the protection order and threatened the Complainant in April 2018.

29. In respect of Count 1, which is the 19 December 2018 Paget Primary School parking lot offence, I find that the appropriate basic sentence is 9 months imprisonment. In giving credit to the Appellant for his expression of remorse and guilty plea, **I would reduce the sentence on Count 1 to 6 months imprisonment.**

30. Counts 2 and 3 were the most egregious offences before the learned magistrate. They both occurred in March 2019, some two and a half months after the Count 1 offence.

31. Count 2 applies to the occasion when the Appellant suddenly appeared on Marsh Folly Road and rode his motorcycle alongside the Complainant's moving car following her to Victoria Street until she neared Hamilton Police Station. This offence demonstrated the Appellant's flagrant and deliberate disregard of the Court's orders which were made for the purpose of protecting the Complainant he persistently menaced and taunted. The suitable basic sentence for the commission of this offence cannot be less than 10 months imprisonment, leaving room for the limited selection of cases of breach of a protection order which would be deemed to be graver than the present case. In my judgment, the Appellant's guilty plea and expression of remorse provides a basis for reducing the 10 month basic sentence to **7 months imprisonment**.

32. Count 3 refers to the three voice notes and ten social media messages. In the second of the three voice notes, the Appellant threatened to slap the Complainant. In my judgment, an express threat of violence against a person who has come before the Court and secured a domestic violence protection order must be treated severely by the Court. I find that the basic sentence for this offence is 10 months imprisonment which I would

reduce to 7 months in light of the Appellant's guilty plea and voluntary statement of remorse.

33. It now falls for me to consider whether these sentences should run concurrently or consecutively to one another. I see no sound basis for upholding the magistrate's order for concurrent sentences between the two Informations before the Court. The fact that the two Informations were collectively heard in the same sentence proceeding for administrative efficiency by the Court does not confer on the Appellant an entitlement to concurrent sentences. The offences on Information 18CR00145 occurred nearly 9 months prior to Count 1 and nearly one year prior to Counts 2 and 3 on Information 19CR00339.

34. In sentencing an offender, the Court must be mindful of the importance and need to deter other potential offenders from committing similar offences, as is the statutory duty of the Court under section 55(2)(e) of the Criminal Code. The seriousness of these multiple offences tied to the need to deter others from following suit are proper considerations to be factored into the Court's exercise of discretion in determining whether the Appellant should be made to serve his respective terms of imprisonment consecutively. This power of judicial discretion is statutorily sourced by section 57(3)(c)(ii) of the Criminal Code.

35. To allow the Appellant to serve concurrent sentences for separate and distinct offences which were committed throughout a near one year time span would betray the reality that the Appellant repeatedly decided to breach the protection order in way designed to terrorize the Complainant over the course of 11 months. Mr. Ascento brazenly ignored the Court's protection orders beyond mere contact; he expressly threatened violence against the Complainant and was otherwise menacing in his overall contact with her. For these reasons I find that the offences on Information 18CR00145 should have been made to run consecutively to Information 19CR00339. Further, on Information 19CR00339 I find that Count 1 should have been made to be served consecutively to Counts 2 and 3. Save as aforesaid, the sentences shall run concurrently.

36. The substituted sentences of this Court shall, therefore, be as follows:

Information 18CR00145:
Count 1: 4 months imprisonment
Count 2: 3 months imprisonment

Total Sentence on 18CR00145 = 4 months imprisonment

Information 19CR00339:
Count 1: 6 months imprisonment
Count 2: 7 months imprisonment
Count 3: 7 months imprisonment

Total Sentence on 19CR00339 = 13 months imprisonment

Total Sentence passed on the Appellant: 17 months imprisonment

37. Additionally, I would combine the term of imprisonment with an order of one year of probation to commence upon the release of the Appellant from prison. I have had regard to the age and character of the Appellant and the nature of the offences committed. In the absence of a pre-sentence report, I will not include any terms in the probation order in respect of section 70B of the Criminal Code (optional conditions of probation order). However, the following compulsory conditions prescribed by section 70A of the Criminal Code shall apply. Accordingly, I direct as follows:

    (i) The Appellant shall not commit any other offences during the one year period of the probation order;

    (ii) The Appellant shall appear before the Magistrate's Court (whether before Magistrate Anderson or another magistrate) when required to do so;

    (iii) The Appellant shall notify the probation officer of his intended address upon release from his terms of imprisonment and he shall give notice to the probation officer in writing in advance of any intended change of address.

    (iv) The Appellant shall promptly notify the probation officer of any intended employment or occupation to commence after his release from his terms of imprisonment and he shall also promptly notify the probation officer of any change of employment or occupation;

    (v) The Appellant shall report to a probation officer when required by the probation officer and in the manner directed by that probation officer; and

    (vi) The Appellant shall not leave Bermuda without the written permission of a probation officer.

38. The consequences for non-compliance with a probation order are stated at section 70CA of the Criminal Code. In summary, breach of a probation order is treated as a separate and new offence. Statutorily, I am duty-bound to make it plainly known to the Appellant that if it later appears to a magistrate that the Appellant has breached any of the conditions of his probation order, a new summons or warrant of arrest may be issued requiring him to appear in the Magistrates' Court. If any such breach is proved, the magistrate may impose a $500 fine on the Appellant or amend or extend the probation order up to three years from the date on which it first came into force. It would also be open to the magistrate to impose a new sentence for the offences originally before the Court, taking into account any period of imprisonment served.

39. The Appellant's complaint before this Court is that the magistrate's sentence of 12 months imprisonment was harsh and manifestly excessive. I am mindful that I have substituted a sentence which is, in its totality, more severe than the sentence originally passed. Section 18(3) of the Criminal Appeal Act 1952 provides that this Court, in determining an appeal against sentence, may quash the original sentence in substitution for another lawful sentence where this Court finds that that the Appellant should have been dealt with in another way. This newly imposed sentence may be more or less severe than the original sentence. The section reads as follows:

18 (3) Subject as hereinafter provided, the Supreme Court, in determining an appeal under section 3 by an appellant against his sentence, if it appears to the Court that a different sentence should have been imposed, or that the appellant should have been dealt with in some other way, -

(a) may quash the sentence imposed by the court of summary jurisdiction and may impose such other sentence allowed by law (whether more or less severe) in substitution for the original sentence as the Court thinks just; or

(b) may quash the sentence imposed by the court of summary jurisdiction and may deal with the appellant in such way as may be allowed by law in respect of the conviction of the offence in question;

and in any other case shall dismiss the appeal;

Provided that no sentence imposed by a court of summary jurisdiction shall be increased upon appeal by reason of or in consideration of any evidence which was not given during the criminal proceedings before the court of summary jurisdiction.

40. In this case, Magistrate Anderson had all of the evidence I have relied on in finding that the Appellant ought to have been sentenced in the way I have prescribed. For these reasons, I am permitted to substitute the Appellant's sentences as I have determined fit, notwithstanding that the newly imposed sentences are more severe only on account of my order for consecutive sentences to be served.

Conclusion

41. For all of the reasons stated herein, I allow the appeal but substitute the original 12 month total sentence of imprisonment for 17 months imprisonment together with a one year term of probation.

42. The Appellant is required to sign a copy of the Probation Order and to be provided with a copy of same.

43. The parties are directed to appear in Supreme Court (Commercial Court 2) on Friday 4 September 2020 at 12:30pm for the delivery of this judgment. The Appellant shall also be produced from custody to appear before the Court.

Dated this 4th day of September 2020

THE HON. MRS JUSTICE SHADE SUBAIR WILLIAMS
PUISNE JUDGE