

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE STRAW JA
THE HON MRS JUSTICE FOSTER-PUSEY JA
THE HON MRS JUSTICE V HARRIS JA**

SUPREME COURT CRIMINAL APPEAL NO COA2020CR00048

KENMORE FOLKES v R

Ms Shadae Bailey for the applicant

Janek Forbes for the Crown

8 February 2024

Endorsement read by Foster-Pusey JA

[1] Counsel for the applicant, Miss Shadae Bailey, in written submissions filed 6 February 2024, conceded that, after reviewing the evidence and summation of the learned trial judge, and having received written instructions from the applicant, she was unable to advance any meritorious grounds against the convictions and sentences. She has applied for an order from the court to allow the sentences to commence on the date they were imposed.

[2] The Crown did not oppose the application.

[3] Having perused the transcript and summation, we formed the view that the learned trial judge adequately addressed all the issues in the case. In addition, the verdicts are supported by the evidence. Therefore, we find the concession that was made by learned counsel Miss Bailey appropriate in all the circumstances.

[4] Regarding the application made by counsel concerning the date from which the sentences are to run, it is now well established that such an order may be made given

the approach of this court. Indeed, this was the order made by the learned single judge of this court, when the application for leave to appeal was initially refused.

[5] In light of the foregoing, the court orders as follows:

1. The application for leave to appeal convictions and sentences is refused.
2. The sentences are to be reckoned as having commenced on 24 July 2020, the date on which they were imposed.