

Clement Francis

Appellant

v.

The Queen

Respondent

FROM

THE COURT OF APPEAL OF JAMAICA

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL, UPON A PETITION
FOR SPECIAL LEAVE TO APPEAL AS A POOR PERSON,
DELIVERED THE 23RD JULY 1992

Present at the hearing:-

LORD TEMPLEMAN
LORD GOFF OF CHIEVELEY
LORD MUSTILL

[Delivered by Lord Templeman]

In this case the petitioner was found guilty of murder and sentenced to death on 26th January 1981. The Court of Appeal of Jamaica dismissed his appeal on 18th November 1981. It is now over ten years later and there comes before the Board a petition for special leave to appeal. During the whole of that time the petitioner has been under sentence of death. The delay is horrendous and appears solely due to the fact that the machinery for the Court of Appeal's reasons being written down and supplied to the petitioner's representatives is either wholly lacking or wholly broken down.

The Board is well aware from previous cases that the legal authorities are struggling under great difficulties for lack of resources, lack of manpower, lack of machinery, lack of everything, sometimes even lack of paper; and that in turn the Government, which must supply these facilities in the interests of justice, is labouring under great economic difficulties.

But nevertheless the Board consider - and it is not the first time this kind of comment has been made - that there must be put in place machinery for disposing of appeals, particularly in murder cases, in the sense that the delay should not be brought about by purely mechanical failure to provide facilities for recording and distributing the reasons for the trial judge or the Court of Appeal.

With those comments their Lordships will humbly advise Her Majesty that this petition ought to be dismissed. There is nothing in the other grounds given for appeal. The sentence of death should not of course be carried out. The delay has at least ensured that the sentence of death will be commuted.