

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 03/06

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
THE HON. MR. JUSTICE COOKE, J.A.
THE HON. MISS JUSTICE SMITH, J.A. (AG.)**

ANDRE JENNINGS v R

Applicant unrepresented

**Mrs. Diahann Gordon-Harrison and Ms. Natalie Ebanks
for the Crown**

21st April 2008

ORAL JUDGMENT

PANTON, P.

In this matter the applicant Mr. Andre Jennings was tried and convicted in the Gun Court before Mr. Justice Donald McIntosh. The charges were illegal possession of firearm and robbery with aggravation. The circumstances were that on the 4th of July 2004 the applicant and another man held up at gun point Mr. Christopher Courtney Smith in the New Haven area of St. Andrew and robbed him of his motor car and \$3000.00 cash. At the end of the case for the prosecution the applicant chose then to plead guilty. The learned judge sentenced him to 10 years imprisonment on each count and ordered that the sentences were to run concurrently.

Mr. Jennings, not satisfied with the disposition of his matter, applied for leave to appeal against the sentence. A single judge of this court considered the

matter and refused the application. The applicant, as is his right, chose to renew the application before the full panel of judges presently constituted. We have read the transcript and we have noted that the learned trial judge took into consideration all that he possibly could have including the plea of guilty, late though it was, and indicated that he was reducing the sentences by at least a third. We are at a loss as to what more the applicant could require in a country which is constantly under attack by gunmen such as himself. The sentence, by no stretch of the imagination, cannot be described as manifestly excessive. Indeed, it probably should have been higher notwithstanding the plea of guilty.

Accordingly, the application for leave to appeal is refused and the sentences are to run from the 14th day of December 2005, he having been convicted and sentenced on the 14th day of September, 2005.