

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 48/2008

BEFORE: THE HON. MR JUSTICE HARRISON, JA
THE HON. MISS JUSTICE PHILLIPS, JA
THE HON. MRS JUSTICE N. MCINTOSH, JA (Ag)

DENNIS MORRIS v R

Applicant unrepresented

Miss Sanchia Burrell for the Crown

8 March 2010

ORAL JUDGMENT

HARRISON, JA

[1] The applicant was charged for the offence of murder and he pleaded guilty to that offence in the St James Circuit Court and was sentenced on 16 April 2008 to life imprisonment with a stipulation that he should serve 15 years before he becomes eligible for parole. The applicant complains that the sentence of life imprisonment is harsh and excessive having regard to the evidence. That was the single ground of appeal. The single judge who dealt with the matter refused the application seeking leave to appeal. Mr Morris has now renewed his application to the court.

[2] These were very short proceedings in that when the applicant came before the court he pleaded guilty to the offence of murder. There was one other person, a female Miss Timberlake, who was charged along with this applicant for the death of the deceased man who happened to be visiting Jamaica based on an internet connection with the female accused. She had invited him to come to Jamaica. He did so on 13 May 2005 and arrived at the Donald Sangster International Airport in Montego Bay where he was met by Miss Timberlake and he rented a motor car.

[3] The deceased and Miss Timberlake checked in at the Coyoba Hotel in Montego Bay on 14 May 2005 at about 8:00 a.m. Miss Timberlake was seen driving the said motor car which was rented by the deceased man on the previous day. On 15 May the supervisor of the hotel made enquiries concerning the deceased, as he was not seen around. She was informed by Miss Timberlake that the deceased had checked out for both of them. Miss Timberlake took possession of the deceased's credit card and on 17 May the hotel received telephone calls from some relatives of the deceased man in the United States expressing their concern that he was not heard from. The police was contacted and an investigation was launched.

[4] Miss Timberlake having had possession of the deceased's man credit card went on a spending spree. She went to Mainland International where she purchased building materials and also a refrigerator. She was seen in the company of the applicant at the time of the purchase. The police on 21 May went to premises at Flankers where they retrieved the building material and refrigerator. On 27 May the applicant was held by

the police. The applicant, on being questioned about the disappearance of the deceased man, took the police to a district known as Home Hill in the Ironshore section of Montego Bay and in that area he pointed out where the deceased was killed and his body burnt. The body was exhumed, the remains were found and matched with dental records of the deceased man which identified him as the person who was buried in that grave. On 27 May Miss Timberlake was held in St. Mary and on that same day also the applicant Morris was held. When he was charged and upon being cautioned by the police he said, "Mi never know seh anybody would a find out". There is also the evidence adduced that both persons gave caution statements explaining the circumstances of the killing and their participation in the crime.

[5] The applicant was represented by counsel who made a plea in mitigation of sentence. He asked Her Ladyship to be lenient, reminding her of the Bible story of Adam and Eve saying that if it had not been for this woman, the applicant would not have got himself involved. The judge in sentencing the applicant made mention of the fact that this was a very gruesome murder. The antecedent report of the applicant revealed that he was a very good person according to his pastor. He had a hard life over the years. He was actively engaged in some form of work. He is a carpenter and was 20 years old at the time of this offence. He was sentenced to life imprisonment and would not become eligible for parole until he served 15 years.

[6] We have looked at the facts as they have been presented by the Crown. We have also considered the plea in mitigation of sentence by counsel and have taken into

consideration what the learned trial judge said about this type of murder. We are completely of the view that this is a very lenient form of sentencing, so we see no reason to interfere with the sentence imposed by the learned judge and as such, the application for leave to appeal is hereby refused and the sentence should commence as of 16 July 2008.