

J A M A I C A

IN THE COURT OF APPEAL

R.M. COURT CRIMINAL APPEAL 3/66

BEFORE: The Hon. Mr. Justice Duffus, President
 The Hon. Mr. Justice Waddington
 The Hon. Mr. Justice Shelley (Acting)

R. vs A L V I N W I L L O U G H B Y

Mr. R.O.C. White for the Crown

Appellant appeared in person.

22nd February, 1966.

DUFFUS, P.,

The appellant, Alvin Willoughby pleaded guilty to an offence under the Undesirable Publications (Prohibition of Importation) Law Chapter 397, and the learned Resident Magistrate sentenced him to a term of two months imprisonment with hard labour. He has appealed and submits that the sentence was excessive. The Court has examined the criminal record of this appellant and finds that it is not a particularly pleasant record. He has a number of convictions for minor offences, but apparently he went straight for a period of 16 years. He got into trouble again in 1964, when he was bound over for wounding. He has no previous convictions for any offences under this Law.

The Legislature does regard possession of undesirable publications as a serious offence. It provides for a fine not exceeding £50, or to imprisonment with or without hard labour for a term not exceeding 6 months, or to both such fine and imprisonment, and every such publication, or extract therefrom shall be forfeited to Her Majesty. In view of the fact that this appellant has no previous conviction for this type of offence, we consider that the term of two months imprisonment with hard labour was excessive.

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In the circumstances, we are setting aside that sentence, and in lieu thereof order the appellant to pay a fine of £25. and in default of payment to be imprisoned for 2 months hard labour.

The articles will all be forfeited as undesirable publications.