JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 27/90

BEFORE: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MISS JUSTICE MORGAN, J.A.

REGINA vs. HUBERT THOMPSON

Delroy Chuck for the appellant

Lloyd Hibbert for the Crown

February 18, 1991

WRIGHT, J.A.:

The appellant, Hubert Thompson, seeks to move the Court on the ground that sentences of eighteen years and ten years imposed on him on the 26th February, 1990, in the Trelawny Circuit Court on two counts for causing grievous bodily harm with intent are manifestly excessive.

Briefly, the facts are that after nineteen years of marriage Mr. Thompson's wife defected and established a liaison with one Bentley Linton, who is the victim in count 1 of this indictment. On the night of the 30th October, 1989, Mr. Thompson waylaid them at their gate at Salt Marsh in Trelawny and threw a jug of acid which caught Mr. Linton full blast in his face and produced grotesque results for him. Mrs. Thompson, who was somewhat behind, received splashes but also she has tell-tale marks.

The learned trial judge, obviously incensed at the nature of the injuries, imposed the sentences referred to.

It is not difficult for us to conclude that these sentences are, indeed, manifestly excessive and moreso when one thinks of the context in which the offences were committed.

However, we are now left with dealing in a just manner with the outcome of his conduct that night and we bear in mind that after the wife had walked off and left him with four children he seemed to have been taking good care of them. Three of them were in high school at the time and now that he is not available to them it is uncertain what will be done to them. However, we say that the sentences are manifestly excessive and, bearing in mind that we have just had a case for manslaughter where the sentence we thought adequate was seven years, we could not, in any good conscience, uphold these sentences. We think that, in all the circumstances of the case, the sentences of five years would be adequate.

CAREY, J.A.:

The application for leave to appeal conviction is refused.

The appeal as to sentence is allowed. The sentence is varied to five years imprisonment at hard labour on each count to run from 26th May, 1990.