

J A M A I C A

IN THE COURT OF APPEAL

R.M. COURT CRIMINAL APPEAL NO. 118/72

BEFORE: THE HON. PRESIDENT

THE HON. MR. JUSTICE GRAHAM-PERKINS

THE HON. MR. JUSTICE HERCULES

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R. v. John Lashley

Mr. Henderson Downer for the Crown

Mr. Sylvester Morris for the Appellant

18th January, 1973

HENRIQUES, P.:

This appellant pleaded guilty to receiving stolen goods before the learned Resident Magistrate for St. Andrew and was sentenced to a period of nine months at hard labour. It appears from the record that a juvenile was involved in the transaction which resulted in the prosecution of the appellant.

Mr. Morris on behalf of the appellant has urged to this Court that the sentence imposed by the learned Resident Magistrate was manifestly excessive. The Court has considered Mr. Morris' submissions, but bearing in mind the fact that the appellant in addition to the nature of the offence which he has committed has a record which goes back to 1962 and consists of at least three offences of dishonesty, in respect of which he had peculiarly in all instances been fined as an alternative to imprisonment, it seems to us that it

/cannot.....

cannot be said that the sentence imposed in this case by the learned Resident Magistrate was manifestly excessive. The appeal against sentence is, therefore, dismissed.

This case was tried by the learned Resident Magistrate on the 15th of August last year and the record in relation to it arrived in the Court of Appeal Registry on the 25th of October. That was through no fault of the appellant. The Court is, therefore, minded to allow the sentence to run from the 1st day of last term which would be the 21st of September. The sentence will commence from the 21st of September.