

C.A. Criminal Law ^{Conviction for} ① Obtaining Credit by fraud ② Obtaining money by false pretences. Sentence to 9 months imprisonment on each count - to run consecutively
(? Question of fact)

JAMAICA

Appeal dismissed - convictions and sentences affirmed

IN THE COURT OF APPEAL

comp ✓

RESIDENT MAGISTRATES COURT APPEAL NO. 125/88

BEFORE: THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MR. JUSTICE DOWNER, J.A.
THE HON. MR. JUSTICE GORDON, J.A. (Ag.)

REGINA

v

PAUL SMITH

Appellant in person

V. Grant for the Crown

December 13, 1988

WRIGHT, J.A.:

On September 27, 1988 this appellant was convicted by His Honour Mr. C.B. Lawrence, Resident Magistrate for the parish of Portland sitting in the Resident Magistrates' Court held at Port Antonio on both Counts of an Indictment which charged him with (1) Obtaining Credit by Fraud and (2) Obtaining Money by False Pretences. He was sentenced to imprisonment at hard labour for 9 months on each Count (Sentence on Count 2 to run consecutively to sentence on Count 1). From such convictions and sentences he now appeals.

The facts giving rise to the charges are briefly as follows. On August 5, 1988 the appellant ordered food and drinks amounting to Thirty-six Dollars (\$36.00) at the restaurant of Richard Glenn in Manchioneal stating that he would pay his bill from a US\$100 which he said he had. At time for paying the appellant said he was in a hurry. Mr. Glenn intending to give him the change took out four JA\$100 bills but before he could produce the balance of the change or receive the US\$100 the appellant took up the Four Hundred Dollars (\$400.00) and ran outside into a motor car and was driven away. Later the car returned without the

appellant. A report was made at the Police Station and when the appellant was later located drinking in a bar at Hectors River he had in his possession Three Hundred and Thirty-eight Dollars (\$338.00) made up of 3 x \$100 plus \$38.00. Mr. Glenn had on the occasion when he received the notes in Kingston on the previous day copied down the numbers and by this means the \$100 bills found on the appellant were easily identified.

Arrested and cautioned the appellant is alleged to have said - 'Beg you a chance officer, I will pay back the money'.

In his defence the appellant denied the words attributed to him and said that he had paid his bill and had been given his change before he left.

He had nothing further to urge upon the Court. Accordingly, his appeals against convictions and sentences are dismissed. The convictions and sentences affirmed and the sentences ordered to commence from the date of conviction.