

WMS

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 65/98

**COR: THE HON. MR. JUSTICE FORTE, J.A.
THE HON. MR. JUSTICE BINGHAM, J.A.
THE HON. MR. JUSTICE WALKER, J.A.**

**REGINA
VS
QUAMMIE SAMUELS
(o/c Kwame)**

Mr. Delroy Chuck for the Applicant
Mr. Bryan Sykes, Deputy Director of Public Prosecutions for the Crown

16th November, and December 20, 1999

WALKER J.A.

On May 29, 1998, the applicant was convicted of murder in the Home Circuit Court, Kingston, and on June 3, 1998, he was sentenced to imprisonment for life with a recommendation that he should not become eligible for parole before serving a period of 40 years of that sentence. From this conviction and sentence the applicant sought leave to appeal and on November 16, 1999 his application was heard and determined by this Court. It is unnecessary to rehearse the facts of the case having regard to the manner of disposition of this application.

At the very outset of the hearing before us Mr. Chuck for the applicant announced with commendable candour that after the most careful consideration on his part he could find nothing of merit to argue in support of the application for leave to appeal against conviction. Having ourselves examined the record we were at one with Mr. Chuck and so we refused leave to appeal in that regard.

As regards the application for leave to appeal against sentence, Mr. Chuck submitted that the recommendation of the learned trial judge which accompanied the mandatory sentence of life imprisonment was excessive in all the circumstances. With this submission we agreed. We, therefore, granted leave to appeal against sentence and reduced the specified period of 40 years to a period of 25 years. We also ordered that the applicant's sentence should commence on August 29, 1998.