

Q. (R.M. Mills) K.M. Mills - Conspiracy, Conscience
Sentence - Appellant sentenced 13 years for conspiracy and
2 J.S. for possession - Whether sentence manifestly
excessive - whether R.M. Mills could impose maximum
Criminal Justice Administration Act - Held R.M. could impose maximum
sentence of 2 years only. Sentence JAMAICA of 2 years substituted
on conspiracy charge. Appellant, others, dismissed.

IN THE COURT OF APPEAL

R. M. CRIMINAL APPEAL NO: 123/88

BEFORE: The Hon. Mr. Justice Campbell, J.A.
The Hon. Mr. Justice Wright, J.A.
The Hon. Miss Justice Morgan, J.A.

R. v. RICHARD MILLS

Bert Samuels for Appellant

Miss Paulette Williams for Crown

April 4, 1989

CAMPBELL, J.A.:

On 12th July, 1988 one Campbell after unsuccessfully importuning Richard Meeks, a visitor to the island, to purchase ganja spliffs, planted a spliff in his pocket in the presence of the appellant. The appellant immediately called Meeks to him, identified himself as a police officer and in the presence of Campbell and using one Roxie a bartender as spokesman, induced Meeks to pay over for his benefit \$500.00 Jamaican and U.S. \$100.00 as forbearance to prosecute. The appellant then told Meeks, through the bartender, that he could go. The incident took place at about 4.00 p.m. Meeks' evidence was supported by that of a fellow visitor to the island who was present. On that very evening the appellant was found in possession of a U.S. \$100.00 bill in addition to \$300.00 Jamaican. The appellant admitted the encounter with Meeks but said he set him free in deference to the solicitations of Meeks and other visitors and that no money whatsoever passed from Meeks to any other person. The learned Resident Magistrate found facts from which he concluded that there was a prior agreement

between Mills, Campbell and Roxie to defraud Meeks and that monies had been paid over to and received by the appellant who was accordingly, guilty of conspiracy to Defraud and Corruption. The appellant was sentenced to 3 years imprisonment at hard labour on the count for conspiracy and 2 years at hard labour on the count for corruption.

No grounds of appeal were filed. We however allowed Mr. Samuels to formulate and argue a ground of appeal relative to sentence namely that the sentences are inordinately harsh. At the end of his submission we allowed the appeal against the sentence for conspiracy not on the grounds that it was inordinately harsh, but because the learned Resident Magistrate could impose a maximum sentence of 2 years Imprisonment only vide sections 17 (b) and 18 of the Criminal Justice (Administration) Act. There is accordingly substituted a sentence of 2 years Imprisonment at hard labour in respect of this count. The appeal is, save in this respect, dismissed. The sentences are ordered to commence on 16th September, 1988.