

J A M A I C A

IN THE COURT OF APPEAL

C.A.# 165/65

BEFORE: The Hon. Mr. Justice Duffus, President
 The Hon. Mr. Justice Waddington
 The Hon. Mr. Justice Shelley (Acting)

R. vs R O Y P L U M M E R

Mr. A.G. Gilman for the Crown

Mr. L. McLean for the appellant

22nd March, 1966.

DUFFUS, P.,

Leave to appeal was granted in this matter on consideration of the application by a single judge, on the 3rd of December, 1965. I may mention that leave to appeal was granted in respect to the convictions on counts one and two only. Leave to appeal was refused in respect of count three.

On the matter coming before the Court for consideration and on reading the full transcript of the evidence which had been supplied it did seem that what at a first glance had appeared to be a deficiency in the summing-up was not really so. There was adequate evidence to support the convictions, and having regard to the particular facts of the case the summing-up was, in fact, quite adequate. The Court, therefore, accedes to the request of Counsel for the appellant that the appellant be permitted at this stage to abandon his appeal against the convictions.

The Court, therefore, dismisses the appeal in so far as the convictions and sentences are concerned, but the Court accedes to the request of learned Counsel

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for the appellant that the sentences commence from a date earlier than today. The Court directs and orders that the sentences imposed by the learned Chief Justice commence from the 3rd of December, 1965, the date on which leave to appeal was granted.