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Jamaica
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IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 139/88

BEFORE: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE CAMPBELL, J.A.
THE HON. MR. JUSTICE WRIGHT, J.A.

R. v. WINSTON MURRAY

Application for leave to appeal
Miss Yvette Sibble for the Crown

June 12, 1989

CAREY, J.A.

In the Portland Circuit Court before the Chief Justice the applicant pleaded guilty to the offence of carnal abuse and was sentenced to 10 years imprisonment at hard labour. He now applies for leave to appeal his sentence.

The short facts, and only the merest detail is necessary, are that on the 15th of March, the applicant sexually abused a little girl who at the time of the offence was a mere 7 years and 11 months old. There was some suggestion that this applicant was an out-patient at the Bellevue Hospital and was receiving some medication for his particular problem. As no medical evidence was called before the learned Chief Justice, we are quite unable to say what was the nature of his mental condition or mental illness.

The learned Chief Justice in the course of addressing the applicant pointed to the fact that the offence of sexually abusing children had reached alarming proportions and had done damage to a large number of young children. As to this fact, this Court is well aware that sexual harassment of young children has certainly attained alarming proportions and the Court must, therefore, take stern action to inhibit the continued high incidence of such offences.

In our view and as the learned Chief Justice pointed out, the maximum penalty is life which demonstrates how seriously the legislature regards these offences. We can see no mitigating factor that would incline us to reduce this sentence. In our view, it was eminently warranted in the circumstances of the case and having regard to the high incidence of offences of this nature in this country.

This was a sentence intended, we think, to deter offenders of like ills. In the circumstances, the application for leave to appeal is refused and the Court directs sentence to commence on the 9th of September, 1988.