

C.A. Criminal law - malicious destruction of property - case of
"malicious cocking" to damage post office - Sentence - twelve
months of twelve months hard labour manifestly excessive.
Hard case against sentence - dismissed

JAMAICA

No cases referred to
Sentence

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 26/89

Criminal Process

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

✓comp

REGINA

VS.

ALLAN MARTIN

Appellant appeared in person

Miss C. Richards for the Crown

April 26, 1989

ROWE, P.:

The appellant submits that the sentence of twelve months imprisonment at hard labour is harsh, unreasonable and excessive in the light of the fact that only minimal damage was done to the walls of the Central Post Office, Kingston, by reason of his actions on January 4, 1989.

At trial the appellant pleaded not guilty to a charge of malicious destruction of property but when he was called upon to make his defence he admitted every fact sworn to by the prosecution witnesses and added details as to his emotional state at the time and his purpose for causing damage to the building. I can do no better than to refer to a portion of the appellant's own evidence for the facts of the prosecution's case. Before I do so, I will refer briefly to the background given by the appellant. He said that his father had died and he was expecting a registered letter bearing financial

assistance towards the funeral expenses from his relatives in England. He said that he had made numerous enquiries at the Post Office but the officers had no record of any letter for him. He became frustrated and took the following action:

"That night I decided that I would take some action which would get me to see someone in authority to deal with my urgent plight.

The following morning I arose I filled three bottles with certain substance. I placed them in a bag. I left home with them.

I purchased some petrol. I went to the Kingston Arcade where I assembled the devises. I then proceed to the Central Sorting Office where I entered the building. I saw the Customs Officer. I told her I would like to speak to the Post Master General. She directed me to Mrs. Morgan and I asked her kindly to let me speak to the Post Master General. She told me she could not do so. She asked me what the matter was about. I told her what my problem was. She directed me back to the receptionist. I told her I already spoke to the receptionist and got no where.

I said alright. I proceeded to a column in the centre of the building. I removed three Molotov Cocktails from the bag I was carrying. I lit them, shook them well and discharged the first one in the corner of a wall after looking around for a suitable spot. Everyone in the building started to run. I started to walk busily behind the crowd as they ran in separate directions.

I saw a pile of packages on the counter. I refrain myself from doing damage to them because I thought that would deprive the people of their belongings just as I was deprived of mine".

The appellant fairly gloated over his great feat in terrorising the staff of the Post Office. He showed no remorse whatsoever for his deliberate and wanton actions and his performance in this Court was no different from that which he displayed before the learned Resident Magistrate.

It is providential that no greater damage was done to the Central Post Office than a scorching of the walls and that no physical harm was suffered by the employees. No citizen has the privilege to

deliberately fashion "molotov cocktails" and use them to cause any damage to a public building. The sentence imposed was a salutary one and as there is absolutely no merit in this appeal we will dismiss the appeal and order that the sentence commence to run from today.

The following morning I went to the office of the District Attorney to see him and to see if I could get him to see me.

I went to the office of the District Attorney, who was in the office of the District Attorney, and I saw him. I told him that I had been arrested and that I was in the office of the District Attorney. He told me that I was in the office of the District Attorney and that I was in the office of the District Attorney. He told me that I was in the office of the District Attorney and that I was in the office of the District Attorney.

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