

C.A. CRIMINAL LAW - Larceny (3 counts) - Plea of guilty by appellants. Sawyers sentenced to 18 months imprisonment at hard labour on each count. Wynter sentenced to 2 years - JAMAICA imprisonment at hard labour on each count and order to undergo two years police supervision at expiration of sentence. Case tried 5th May 1987 - papers received in C.A. Registry on 26th July 1988 from Sutton Street Magistrate - no reasons given to C.A. Appellants already served sentence and discharged. !!

IN THE COURT OF APPEAL
RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 87/88

BEFORE: THE HON. MR. JUSTICE CAREY, P. (Ag.)
THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MISS JUSTICE MORGAN, J.A.

Appeal dismissed for want of prosecution

Comments by Carey P (Ag) - Something "rotten in the state of Denmark"

ALLAN SAWYERS & ERROL WYNTER

Its Case referred to

Appellant in person
Kent Pantry & Brian Sykes for Crown

Delay in Administration of Justice

September 23, 1988

CAREY, P. (Ag.):

In this case, the appellants pleaded guilty to three counts of larceny. Allan Sawyers was sentenced to eighteen (18) months imprisonment at hard labour on each count. As to Wynter, his sentence was two (2) years imprisonment at hard labour on each count. He was further ordered to undergo two years police supervision at the expiration of his sentence.

The appellants gave verbal notice of appeal. This case was heard in the Sutton Street Resident Magistrate's Court, on 5th May, 1987. The papers were received in the Registry of this Court on 26th July, 1988. We have been given no reasons to explain the protracted delay in the transmission of these papers over a distance of less than a mile from the Court.

We understand this morning that both appellants have already served their sentences and have been discharged. The Court is, in the circumstances, constrained to dismiss the appeals for want of prosecution. But we take the view that there is a prescribed procedure which ought to be followed and it cannot involve the sort of delay which we are now experiencing.

It is wholly unfair to the appellants to wait more than a year in custody before their appeals can be heard. Although in this case we would not have been minded to interfere with the sentences, it does not alter the fact that something is 'rotten in the state of Denmark'.

We trust that these observations will be brought to the proper authority so that there is no recurrence of this scandalous situation.