

EA CRIM 112 (1A) - Obtaining money by false pretences - 3 counts
Plea of guilty - Sentence
with various counts manifestly...
pleaded - one previous conviction - appeal based of mistake
(years.)
Appeal dismissed

JAMAICA

No case to answer

Criminal Practice
✓ comp

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 131/88

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

REGINA

VS.

ASTON SAMUELS

Appellant in person

Miss Paula Llewellyn for the Crown

January 16, 1989

CAREY, J.A.:

The appellant Aston Samuels pleaded guilty to three counts of obtaining various sums of money by false pretences. The allegations being that he pretended to his victims, that he was in a position to obtain for them Non-immigrant Visas to proceed to our giant neighbour to the north. The fond hopes placed upon this appellant were dashed when no visas were forthcoming and perhaps more importantly the money which they had so inconsiderately advanced to him also disappeared forever. He was sentenced to a total of five years imprisonment at hard labour, that is, on the first count he received three years, on the second, two years, on the third count which was to run consecutively to the second count he was imprisoned for two years and that was to run concurrently with the first count.

He complains to this court that the sentences imposed were manifestly excessive because he had made some restitution in part. There was no evidence on the record of that fact which we would find surprising, seeing that on the facts which were put before the learned Resident Magistrate, when his victims approached him to have their monies refunded, he was quite unable to do so, and indeed, tried to keep out of their way. We note that this appellant had a previous conviction for a similar fraud committed sometime in September of 1986, and that he is a man of mature years. As one of My Lords observed he ought to be a person setting an example to the youth of this country as to good conduct, not to spend his old age endeavouring to defraud persons of their monies.

This is a wholly unmeritorious appeal against sentence. This court is well aware that offences of this nature are prevalent and that a possible deterrent is to impose serious penalties so that those who choose to conduct themselves in this way might be advised to find more legitimate methods of support.

The appeal is dismissed, the sentences are affirmed, the court will direct the sentences to commence from the date of his conviction.