

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 101/90

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

REGINA vs. ERIC SAMUELS

No appearance for the applicant

Miss Marcia Hughes for the Crown

November 12, 1990

WRIGHT, J.A.:

In the Hanover Circuit Court on 21st June, 1990, this applicant was convicted for manslaughter on an indictment charging him with the murder of Clifton Pinnock. We should note that this is quite a departure from the norm in that this case is reaching us within such a short time after conviction. The authorities ought to be commended.

The short facts are that on the 22nd December, 1989, the applicant went to the deceased, Clifton Pinnock, who owned a motor cycle to hire the cycle but because he did not have a licence Pinnock decided to ride the cycle and so get the applicant to his destination. On the way the applicant thought that they had reached a point from which he should finish the journey as the rider. Pinnock protested and as a result a fuss developed and a fight resulted during which the applicant slashed Pinnock with

a knife, severing his left femoral artery and as a consequence he died from the resulting haemorrhage and shock. The applicant then took the motor cycle and fled. He was subsequently located in Red Hills in St. Andrew, with the assistance of the very person who had taken him to Pinnock. When he was apprehended by the police he told them that he did not really intend to kill the deceased.

Defences left to the jury were self-defence, provocation and lack of intention to kill.

The jury, after a proper direction, returned a verdict of ^{guilty of} ~~manslaughter~~ and the applicant was sentenced to eight years imprisonment at hard labour. He has sought leave to appeal against conviction and sentence but we see nothing wrong with the summing-up nor do we find anything inordinate with the sentence. The Court has got to take note of the very high incidence of violence in the country and each day we are told of the increase of violent deaths. The leave to appeal is refused and the sentence will run from the 21st September, 1990.