

S/ci.

DOMINICA

IN THE COURT OF APPEAL

CRIMINAL APPEAL NO. 24 of 1992

BETWEEN

CONRAD HAZEL

Appellant

and

THE STATE

Respondent

Before: The Rt. Hon. Sir Vincent Floissac - Chief Justice
The Honourable Mr. Justice S. Singh J.A. (Ag.)
The Honourable Mr. Justice A.N.J. Matthew J.A. (Ag.)

Appearances: Appellant in person
Director of Public Prosecutions for the Respondent

1992; September 15

JUDGMENT

FLOISSAC, C.J.

The appellant was charged with unlawful carnal knowledge of a girl aged 9 years and 11 months contrary to section 3(1) of the Sexual Offences Act Cap 10:36 of the Revised Laws of Dominica 1990. The offence is alleged to have been committed between the months of July and September 1991 at Goodwill in the Parish of St. George in the Commonwealth of Dominica.

On the 22nd May 1992, before a jury presided over by Adams J, the appellant pleaded guilty of the offence charged and was sentenced to imprisonment for a term of 15 years. The appellant has appealed against his sentence on the ground that it is too harsh.

In imposing the sentence the learned judge said:

"The Court is of the view that the offence has become outrageously frequent in Dominica and that at every assizes young children have stories of molestation to tell. Quite often it is a case of the man taking advantage of the impoverished circumstances of the woman. In this case the evidence suggests that not only did the accused sexually assault the child but that he sought to corrupt the child by showing her pornographic pictures.

What is worse is that he was friendly with the children's mother.

There is no evidence on the deposition with respect to the medical treatment administered to the child. Whatever treatment may have been given her, the Court cannot ignore the possibility that with the lingering threats of aids, every child in this situation is exposed to a death sentence through the disease.

Accordingly, this Court is of the view bearing in mind that the justice of this case is appropriately served by a sentence of 15 years imprisonment.

Three previous convictions for (1) possession of narcotics; (2) Theft; (3) Forgery."

In view of the aggravating factors indicated in the forgoing extract from the learned judge's judgment and in view of the fact that the maximum sentence prescribed for the offence of unlawful carnal knowledge is imprisonment for life, there could be no justification for appellate interference with the sentence imposed in this case.

The appeal is therefore dismissed and the sentence affirmed.



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V.F.FLOISSAC
Chief Justice



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SATROHAN SINGH
Justice of Appeal (Ag.)



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ALBERT N.J.MATTHEW
Justice of Appeal (Ag.)