

IN THE COURT OF APPEAL

CRIMINAL APPEAL NO. 1 of 1992

BETWEEN: VIBERT ADAMS - Appellant
and
THE QUEEN - Respondent

Before: The Honourable Chief Justice Floissac - President
The Honourable Mr. Justice Byron J.A.
The Honourable Mr. Justice Matthew J.A. (Ag.)

Appearances: A. Williams for the appellant
C. Joseph for the Respondent

7th April, 1992

JUDGMENT

FLOISSAC, C.J.

On the 5th February 1992 before a jury presided over by Joseph J, the appellant pleaded guilty of the offence of assault causing actual bodily harm and was sentenced to imprisonment for a term of $3\frac{1}{2}$ years. He appealed against his sentence.

In support of a reduction of the sentence, counsel for the appellant relied on the facts that (1) the assault was the appellant's response to a slap by the victim in rejection of his advances; (2) the only injury to the victim was a bruise at the back of the neck; (3) the appellant was badly beaten by the victim's relatives in punishment for the assault; (4) the appellant lost his job at the hotel as a result of the incident and (5) the appellant had no previous conviction of an offence of this nature.

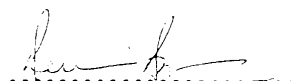
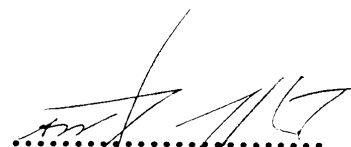
The prosecution sought to establish that assaults of young ladies were prevalent in the State but no evidence was adduced of

that prevalence in Union Island which is a closed community.

In those circumstances, we consider the sentence to be
excessive and hereby reduce to imprisonment for a term of one year.



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V.F. FLOISSAC
CHIEF JUSTICE


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C.M.D. BYRON
JUSTICE OF APPEAL
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A. MATTHEW J.A. (Ag.)
JUSTICE OF APPEAL