

SAINT CHRISTOPHER AND NEVIS

IN THE COURT OF APPEAL

CRIMINAL APPEAL NO. 1 OF 1992

BETWEEN:

ORLAND BELLE

APPELLANT

AND

THE QUEEN

RESPONDENT

*Before: The Honourable Chief Justice Floissac - President
The Honourable Mr. Justice Dennis Byron - Justice of Appeal
The Honourable Miss Monica Joseph - Justice of Appeal (Ag.)*

*Appearances: Accused in person
Mr. Malcolm Holdip, DPP for the Respondent*

[1992: March 24]

J U D G M E N T

FLOISSAC, C.J.

The appellant was charged with burglary of a dwelling house at Belle Vue in the Parish of St. John in the Island of Saint Christopher on the night of the 7th November, 1990, contrary to Section 27(a) of the Larceny Act Chapter 41 of the Revised Edition 1961 of the Laws of Saint Christopher and Nevis. On the 20th January, 1992, before a Jury presided over by Singh J., the appellant pleaded guilty of the offence charged and was sentenced to imprisonment for a term of 5 years. He appealed against his sentence.

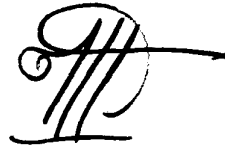
In support of a reduction of the sentence, the appellant relied on the facts that -

- (1) he was out of work for six months and was hungry;*
- (2) he has no previous convictions;*
- (3) he has two dependants (his mother and his daughter); and*
- (4) he is 20 years old, he was 18 years at the time of the offence.*

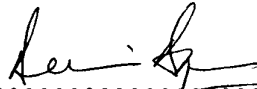
The Director of Public Prosecutions has drawn this Court's attention to the facts that the appellant was caught red-handed with a knife in his possession, he has no previous convictions, and the offence is prevalent.

However, he correctly conceded that the age of the appellant was not drawn to the attention of the Court.

In all the circumstances this Court considers it should reduce the sentence of 5 years. This appeal is allowed and the sentence is reduced to 2 years.



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V. F. FLOISSAC
CHIEF JUSTICE



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C. M. D. BYRON
JUSTICE OF APPEAL



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MONICA JOSEPH
JUSTICE OF APPEAL (AG.)