

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE EDWARDS JA
THE HON MRS JUSTICE DUNBAR-GREEN JA
THE HON MR JUSTICE BROWN JA**

PARISH COURT CRIMINAL APPEAL NO COA2021PCCR00019

**VALERIE MCINTOSH
OTWANI DEER v R**

Mr Donald Gittens for Valerie McIntosh

Mr Cecil J Mitchell for Otwani Deer

Miss Judi-Ann Mitchell for the Crown

30 November and 1 December 2023

Endorsement read by Brown JA

[1] Both appellants, members of the Jamaica Constabulary Force, were tried and convicted before Her Hon Mrs Grace Henry-McKenzie in the Resident Magistrate Court Corporate Area (now Parish Court), for offences under the Corruption Prevention Act, on 26 July 2019. Both appellants were convicted for corruptly soliciting \$100,000.00 from the complainant Mr Christopher Evan Soutar. Additionally, the appellant Otwani Deer was convicted for corruptly receiving \$50,000.00 from Mr Soutar. Valerie McIntosh was sentenced to six months' imprisonment. Otwani Deer was sentenced to concurrent terms of nine months' imprisonment on each count.

[2] Valerie McIntosh appealed both her conviction and sentence. Otwani Deer appealed against his sentences only.

[3] Having heard the appeal, we determined that:

(a) Valerie McIntosh's conviction was unimpeachable.

(b) In the case of both appellants, the sentences were manifestly excessive.

[4] We therefore made the following orders:

In the case of Valerie McIntosh:

1. The appeal against conviction is dismissed.
2. The conviction is affirmed.
3. The appeal against sentence is allowed.
4. The sentence of six months' imprisonment is set aside. Substituted therefor is a sentence of six months' imprisonment, suspended for 18 months.
5. The sentence is reckoned as having commenced on 26 July 2019, the date on which it was imposed.

In the case of Otwani Deer:

1. The conviction is affirmed.
2. The appeal against sentence is allowed.
3. The sentence of nine months' imprisonment, imposed on each count, is set aside. Substituted therefor, on each count, is a sentence of nine months' imprisonment, suspended for two years, to run concurrently.

The sentences are reckoned as having commenced on 26 July 2019, the date on which they were imposed.