#### JAHALCA

# IN THE COURT OF APPEAL SUPREME COURT CRIMINAL APPEAL NO. 101/90

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

### REGINA VS. ERIC SAMUELS

Wo appearance for the applicant Hiss Marcia Rughes 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 indict-ment 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 have 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 right 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 guilty of verdict 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.