



THE COURT OF APPEAL

**The President
Birmingham J.
Edwards J.**

The People at the Suit of the Director of Public Prosecutions

V

Alan Wilson

107/13

Respondent

Appellant

Judgment of the Court (ex tempore) delivered on the 9th day of November 2015 by

Mr. Justice Birmingham

1. This is an appeal against severity of sentence at this stage. Last week the court delivered a judgment which rejected the appeal against conviction and in that judgment the facts that are relating to this incident are set out and will not be repeated at this stage.
2. So far as the sentence appeal is concerned, there are really two aspects to it. There is first of all a contention that the sentence of seven years was excessive. It said that it was excessive in a situation where this applicant had only one District Court conviction and it said that the court did not have the benefit the sentencing court would normally have of a victim impact report.
3. In the written submissions the point is made as well that the eight years which the co-accused received in respect of the burglary and firearms does not sufficiently distinguish from the seven years given to this accused in a situation where it said that the co-accused's involvement was somewhat greater and where the co-accused prior record was a worse one.
4. The second point that arises is that it is the situation that the appellant was admitted to bail in respect of this offence. However, he was charged with another offence, a serious offence and went into custody on that matter. However, his bail on this matter technically remained in existence notwithstanding the fact that he was actually in custody. He was then subsequently acquitted on the other matter and the point is made that he was effectively deprived of his liberty for twelve months and that he should have credit for that.
5. Without making any general statements in principle, the court is of the view that in all the circumstances, if regard is had to the combination of the factors that have been identified that it is appropriate to reduce the sentence that was imposed in the Circuit Court by one year and the court will do that.
6. In coming to that conclusion the court has had regard to the report from the Governor that indicates that some progress has been made. For the sentence of seven years there will now be substituted a sentence of six years to date from the day that the Circuit Court had identified.