JAMAICA

IN THE COURT OF APPEAL

BEFORE: THE HON MR JUSTICE F WILLIAMS JA
THE HON MISS JUSTICE P WILLIAMS JA
THE HON MR JUSTICE BROWN JA

SUPREME COURT CRIMINAL APPEAL NO 67/2019

FIONA HEADLEY v R

Mrs Andrea Whyte Walters for the appellant

Jeremy Taylor KC for the Crown

21 February 2023

Endorsement read by F Williams JA

[1] In this matter the appellant appeals against her sentence for the offence of murder, which was imposed on her on 24 June 2019. She was sentenced to life imprisonment, with eligibility for parole only after she had served 15 years.

[2] Represented then by experienced senior counsel, the late Mr Ernest Smith, the appellant pleaded guilty to the offence of murder on 11 June 2019 in the Circuit Court for the parish of Trelawny. The case against her was that, on 12 September 2018, she stabbed Cardia Banton, a mother of two, whom she believed was a rival for her spouse's affections, killing her. The applicant was 17 years of age at the time of the offence and 18 years at the time of sentencing.

[3] She has challenged the sentence on the ground that it is manifestly excessive.

[4] We are guided, in reviewing the matter, by the admonition of Hilbery J in **R v Ball** [1951] 35 Cr App Rep 164:

> "In the first place, this Court does not alter a sentence which is the subject of an appeal merely because the members of the Court might have passed a different sentence. The trial Judge has seen the prisoner and heard his history and any witnesses to character he may have chosen to call. It is only when a sentence

> appears to err in principle that this Court will alter it. If a sentence is excessive or inadequate to such an extent as to satisfy this Court that when it was passed there was a failure to apply the right principles then this Court will intervene."

[5] Having reviewed the transcript, we can discern no error on the part of the learned judge, warranting our intervention. While the sentencing remarks were, as Mr Taylor observed: "spare and perfunctory", they were sufficient to demonstrate that the learned judge considered all relevant matters, based on the information available to her, which included a social enquiry report. The sentence imposed is in line with those imposed for murder in similar circumstances; and so cannot fairly be said to be manifestly excessive (see, for example, the case of **Quacie Hart v R** [2022] JMCA Crim 70, in which a pre-parole range of 15-25 years was considered appropriate). In fact, the period stipulated for the applicant to serve before becoming eligible for parole is the statutory minimum. There is, therefore, no basis on which to alter the sentence of life imprisonment or at all.

[6] In the result, the following orders are made:

1. The appeal is dismissed.
2. The sentence is affirmed.
3. The sentence is reckoned as having commenced on 24 June 2019, the date on which it was imposed.