

**IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction**

ON APPEAL FROM THE COURT OF APPEAL OF GUYANA

**CCJ Appeal No. GYCR2014/002
GY Appeal No. 22 of 2012**

BETWEEN

DEXTER MARQUES

Applicant

AND

PHILLIP BOWMAN P.C. #12545

Respondent

Before The Honourables:-

**Mr Justice Saunders
Mr Justice Wit
Mr Justice Anderson**

On Written Submissions

Mr Ronald G Burch-Smith for the Applicant

Ms Jo-Ann Barlow for the Respondent

JUDGMENT

of

Justices Saunders, Wit and Anderson

Delivered

on the 31st day of July, 2014

The Applicant was convicted and sentenced to fifty-nine (59) months' imprisonment for felonious wounding and robbery underarm before a Magistrate on 21st May, 2012. He now applies for special leave to appeal the decision of the Court of Appeal affirming both his conviction and sentence. The principal bases for his application concern findings of fact made by the Magistrate, unanimously accepted by the Court of Appeal. He also contends that the sentence imposed was excessive. This Court is ordinarily reluctant to interfere with concurrent findings of pure fact made by the courts below and in this case

the Court sees no reason so to interfere. As to the sentence, the period of imprisonment imposed does not strike the Court as being obviously disproportionate. In the circumstances, the Applicant has failed to raise an arguable case that there has been a miscarriage of justice and the Court therefore denies his application for special leave to appeal and affirms his conviction and sentence.

The Hon Mr Justice A. Saunders

The Hon Mr Justice J. Wit

The Hon Mr Justice W. Anderson