

HONG KONG / JUDGMENT

HKSAR v. YEBOAH JOHN MARTIN

COURT

Court of Appeal

DECIDED

5 December 2007

CASE / FILE NUMBER

CACC259/2007

Source: legalref.judiciary.hk · Research copy typeset by Esheria. Not court-issued or certified.

bjbj CACC 259/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL CRIMINAL APPEAL NO. 259 OF 2007 (ON APPEAL FROM HCCC NO. 46 OF 2007)

BETWEEN HKSAR Respondent YEBOAH John Martin Applicant

Before : Hon Ma CJHC and McMahon J in Court Date of Hearing : 5 December 2007 Date of Judgment : 5 December 2007

J U D G M E N T

Hon Ma CJHC (giving the judgment of the Court) : On 23 July 2007, the Applicant was convicted on his own plea before Nguyen J of one count of trafficking in dangerous drugs, namely cocaine and sentenced to 14 years imprisonment. The amount of drugs involved was 775.10 grammes of cocaine. He now seeks leave to appeal against sentence. He is 28 years of age. The Applicant was arrested on 3 December 2006 at the Hong Kong International Airport. Upon being searched he was found to be carrying in a suitcase 1,000.63 grammes of a mixture containing the said amount of cocaine. He pleaded guilty to the offence and was therefore entitled to a one third discount. The judge had taken a starting point of 21 years. This was entirely within the guidelines for sentencing for this type of offence in *The Queen v Lau ming and Yeung shing and Others* [1990] 2 HKLR 370. The quantity of drugs in the present case (being in excess of 600 grammes) was in the very large quantities category. In our judgment, the sentence imposed on the Applicant was neither manifestly excessive nor wrong in principle. The judge took into account the same matters that the Applicant now places before us. He is the father of 3 young children, who were at the date of trial, 4, 6 and 10. His wife is ill with cancer and indeed the reason why he committed the present offence was to enable her medical expenses to be met. Like so many drug couriers,

he is a very poor man. There is no doubt that his family will suffer through his being in prison. We have little doubt he is remorseful. Yet, however, much sympathy one will have for the personal circumstances of the Applicant, a large amount of dangerous drugs was involved in the present case. There was an international element as well : the Applicant had intended to make delivery of the cocaine in Guangzhou. The mitigating factors do not enable the sentencing guidelines to be relaxed in the present case. For the above reasons, the application is dismissed. (Geoffrey Ma) (M. A. McMahon) Chief Judge, High Court Judge of the Court of First Instance Mr John Reading SC & Ms Winnie Lam of the Department of Justice for the Respondent Applicant YEBOAH John Martin, acting in person PAGE - A B C D E F G H I J K L M N O P Q R S T U V 1udk 1udk H I J K L M N O P Q R S T U V !0 !0 !0 !0 !0 1A \ @\$ _ "D & 6" CACC189/2005 Heidi YK Mak Normal.dot setup Microsoft Word 9.0 Judiciary CACC189/2005 Title Microsoft Word Document MSWordDoc Word.Document.8

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE	https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=59498
CASE PAGE	https://chat.esheria.ai/case-law/hong-kong/hksar-v-yeboah-john-martin-2007

Prepared on 28 October 2026 · Esheria