

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 84/2002

BEFORE: THE HON. MR. JUSTICE PANTON, J.A.
THE HON. MR. JUSTICE SMITH, J.A.
THE HON. MR. JUSTICE COOKE, J.A. (AG.)

NOEL CAMPBELL V. R

Applicant unrepresented

Miss Lisa Palmer for the Crown

21st October 2003

ORAL JUDGMENT

PANTON, J.A.

1. The applicant was convicted of the offence of murder in the Home Circuit Court on April 10, 2002, before Pitter, J., and a jury, and sentenced to life imprisonment, with a specification that he should serve forty years before becoming eligible for parole. A single Judge of this Court refused leave to appeal but, as is his right, the applicant has renewed his application before the Court.

2. The evidence presented for the consideration of the jury came primarily from a witness Mr. Clifford Anglin who knew the applicant, and was known by him, for about twelve years before the incident. The killing occurred in broad daylight while the deceased, Leroy Burnett, a police officer, was sitting on a stool

in a bar. The witness himself was shot in the region of the face by the applicant after the latter had shot the deceased.

The applicant who was with another man then left the scene. The applicant raised an alibi in his defence.

3. Learned Crown Counsel has indicated to us that she has perused the transcript and has not seen anything which would provide a possible ground of appeal.

We have noted that the single judge was of the view that the application was without merit. We too have examined the record and are of the view that the learned trial judge dealt adequately with the issues that arose and that there is no ground on which the jury's verdict may be faulted.

4. The application is accordingly refused. The conviction and sentence are affirmed. The sentence is ordered to commence as of July 10, 2002.