

**JAMAICA**

**IN THE COURT OF APPEAL**

**BEFORE: THE HON MRS JUSTICE MCDONALD-BISHOP P  
THE HON MISS JUSTICE STRAW JA  
THE HON MR JUSTICE LAING JA (AG)**

**APPLICATION NO COA2024APP00116**

**GREGORY DUNCAN v R**

**Applicant in person**

**Mrs Kimberley Dell-Williams and Ms Tamara Merchant for the Crown**

**14 October 2024**

**Endorsement by McDonald-Bishop P**

[1] On 30 September 2023, the applicant, Mr Gregory Duncan, filed a notice and grounds of appeal in the Kingston and Saint Andrew Parish Court (Criminal) challenging the decision of a Judge of the Parish Court to commit him to stand trial in the Home Circuit Court for the offences of demanding property on a forged document, forgery and uttering a forged document, contrary to sections 10, 4(2) and 9(1) of the Forgery Act, respectively.

[2] To date, that appeal has not been transmitted to this court by the Parish Court. Therefore, the appellate process has not yet been commenced in this court. However, a copy of the notice of appeal filed in the Parish Court was provided to us as an attachment to an affidavit filed by the applicant in this court.

[3] After filing his appeal in the Parish Court, the applicant, on 16 May 2024, filed a notice of application. The applicant later filed an affidavit in support and an affidavit of urgency relative to the application.

[4] We heard oral representations by the applicant, on his own behalf, and considered the notice of application, the affidavits, and the written submissions filed in support of

the application. Having done so, it appears to us that, by both his application and appeal, the applicant, in essence, seeks to have the charges against him dismissed, and the hearing of those charges stayed and/or vacated and remitted to the Parish Court. He seeks this relief on the asserted grounds that the prosecution's evidence against him is insufficient, there were purported breaches of procedure in the Parish Court, the Supreme Court lacks jurisdiction to hear the charges, there has been prosecutorial misconduct, his constitutional rights were violated, and there is fresh evidence allegedly in the possession of the prosecution following a subsequent investigation.

[5] We observe that both the application and the appeal emanate from orders made in criminal proceedings in which there has been neither a conviction nor a sentence. Neither the Judicature (Appellate Jurisdiction) Act nor the Judicature (Parish Courts) Act gives this court jurisdiction to hear and determine the application and the appeal.

[6] Given that this court is not seized of the appeal, it having not been transmitted from the Parish Court, we make no orders relative thereto.

[7] We are, however, satisfied that the notice of application filed on 16 May 2024 should be struck out for want of jurisdiction, and so order.