

# **JAMAICA**

## **IN THE COURT OF APPEAL**

### **SUPREME COURT CRIMINAL APPEAL NO. 172/2005**

**BEFORE: THE HON. MR. JUSTICE HARRISON, P.  
THE HON. MR. JUSTICE COOKE, J.A.  
THE HON. MRS. JUSTICE HARRIS, J.A.**

### **ANTHONY HALL V REGINA**

**The Applicant unrepresented.**

**Ms. Lisa Palmer, Senior Deputy Director of Public Prosecutions (Ag.)  
and Ms. Sanchia-Gay Burrell, Crown Counsel (Ag.) for the Crown.**

**18<sup>th</sup> June, 2007**

#### **Oral Judgment**

#### **COOKE, J.A.**

1. The applicant, Mr. Anthony Hall was convicted on two counts of an indictment preferred against him in the High Court Division of the Gun Court. This conviction was on the 27<sup>th</sup> October, 2005 and the counts as specified were illegal possession of firearm and assault. In respect of the illegal possession of firearm he was imprisoned for seven years and in respect of the assault he was imprisoned for one year, both sentences to run concurrently.

2. The facts as outlined by the learned Counsel for the Crown, were that on the 28<sup>th</sup> January, 2005 the virtual complainant was walking along Old Hope Road, in the vicinity of a chicken-man, at what was known as Forty-one, when

the applicant jumped off his bicycle, pushed her against a wall, brandished a firearm and put it against her stomach. She went to the police station and made a report and within hours later the applicant was remanded into custody.

3. The applicant's defence was yes it was my girlfriend, yes there was an incident between them but at no time did he pull any firearm and assault the virtual complainant. In cross-examination, it was sought to impugn the credibility of the virtual complainant by suggesting that she was actuated by malice, because on the previous day the boyfriend had thumped her and she had declared an intention to have him locked up. That suggestion lost all its effect when in cross-examination, he having given evidence, recounted the incident but swore that they had talked it over. Therefore it would seem clear that the relationship had resumed its former state after the thumping.

4. The learned trial judge approached her task with the proper judicial principles in mind. She recognised that the sole issue in this case was one of credibility and having subjected the evidence before her to scrutiny, the judge felt sure that the applicant was guilty.

5. There is no reason at all to disturb the conviction and accordingly as did the single judge in this matter find, so do we also find that application for leave to appeal is refused. The sentences are to commence on the 27<sup>th</sup> January, 2006. In passing it is noted that when you look at his antecedent, this man (applicant) is not a stranger to the use of illegal firearms.