

**JAMAICA**

**IN THE COURT OF APPEAL**

**BEFORE: THE HON MR JUSTICE F WILLIAMS JA  
THE HON MRS JUSTICE HARRIS JA  
THE HON MR JUSTICE LAING JA (AG)**

**SUPREME COURT CRIMINAL APPEAL NO 32/2016**

**LAMAR KNIGHT v R**

**Patrick Peterkin for the applicant**

**Dwayne Houston for the Crown**

**16 May 2023**

**Endorsement read by F Williams JA**

[1] This matter has come before us as a renewed application for permission to appeal against conviction and sentence for the offences of illegal possession of firearm and shooting with intent, a single judge of this court having, on 15 July 2019, refused the applicant's original application.

[2] The incident giving rise to the charges, conviction and this application, occurred on 12 June 2011, in the parish of Saint Andrew. In that incident, the applicant is said to have shot at one Frederick Thompson. The applicant, having been convicted, was sentenced to terms of imprisonment of eight years and 15 years at hard labour, for illegal possession of firearm and shooting with intent, respectively, both sentences to run concurrently.

[3] Mr Patrick Peterkin of counsel has informed us this morning that, having reviewed the transcript, he has found no arguable grounds. Additionally, having discussed the matter with the applicant, he holds instructions from him not to pursue the application. We think that the applicant is well advised to have so instructed counsel, having regard especially to the strength of the case against him; and that Mr Peterkin's concession was well made and commendable.

[4] Mr Dwayne Houston, representing the office of the Director of Public Prosecutions before us today, has also informed us that he has found no arguable grounds warranting this court's interference.

[5] The issues that arose in the judge-alone trial were primarily credibility, common design and identification. In our view, the learned judge's summation and treatment of these issues cannot fairly be said to have been wanting. Neither can any fault be found with the sentences imposed, when they are looked at in the round and in all the circumstances of this case.

[6] In the result, the application is refused and the sentences are to be reckoned as having commenced on the date on which they were imposed, that is 18 March 2016.