

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 143/06

**BEFORE: THE HON. MR JUSTICE PANTON, P.
 THE HON. MR JUSTICE HARRISON, J.A.
 THE HON. MR JUSTICE MORRISON, J.A.**

DWAYNE LECKIE v R

Dr Randolph Williams for the applicant

**Mrs Lisa Palmer-Hamilton, Senior Deputy Director of Public Prosecutions &
Alwayne Smith for the Crown**

22 March 2010

ORAL JUDGMENT

PANTON, P.

[1] The applicant Dwayne Leckie was convicted in the Gun Court by Mr Justice Hibbert on 4 counts of an indictment wherein he was charged with two other men for illegal possession of firearm, shooting with intent, illegal possession of ammunition and assault. In his case, the counts were numbered 6, 7, 8 and 9. Count 6 was for illegal possession of firearm, count 7 for illegal possession of ammunition, count 8 for assault and count 9 for shooting with intent. This conviction took place on 11 August 2006. In respect of the illegal possession of firearm and the shooting with intent,

he was sentenced to 10 years imprisonment; on each in relation to the illegal possession of ammunition, he was sentenced to 5 years imprisonment and for the assault, he was sentenced to 3 years imprisonment. The sentences were ordered to run concurrently.

[2] These offences took place in broad day light in the city of Kingston in the area of Westminster Avenue and Eastwood Park Road and Dumbarton Avenue where these men were foolish enough to perpetuate these acts only to find that the police and security guards were very much alert in the area and shot and held Mr Leckie.

[3] Dr Randolph Williams, for the applicant, has indicated that there is really nothing for him to urge in respect of the application for leave to appeal which incidentally had been refused by a single judge of this court in September of 2009. We are in agreement with Dr Williams. The facts were quite simple and the learned judge gave his attention to all the relevant details. There is really nothing that one could usefully urge to set aside his conviction. That being the case, the application is formally marked as being refused and the sentences are ordered to run from 11 November 2006.