

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MR JUSTICE F WILLIAMS JA
THE HON MS JUSTICE STRAW JA
THE HON MR JUSTICE BROWN JA**

SUPREME COURT NO COA2023CR00006

DESMOND LINDO v R

Robert Fletcher, Patrick Thompson and Russell Stewart for the applicant

Mrs Kimberley Dell-Williams, Sean Nelson and David Bowes for the respondent

26 September 2024

Endorsement as read by Brown JA

[1] This renewed application for leave to appeal against conviction relies on two supplemental grounds. Ground one, which asserts a misapplication of the standard of proof by the learned judge, is a misinterpretation of the learned judge's remarks "I am not sure". Reading the summation as a whole, all that was meant is she was not sure of what the defence witnesses were saying on account of how discrepant they were; not that upon a consideration of the whole case she was unsure whether the applicant was acting in self-defence. This ground is devoid of merit.

[2] Equally without merit is ground two. Contrary to the purport of this ground and the submissions advanced, the learned judge fully and fairly analysed the evidence for the defence.

[3] Consequently, we make the following orders:

1. The application for leave to appeal against conviction is refused.
2. The sentences are reckoned as having commenced on 27 January 2023, the date on which they were imposed.