

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO COA2021CR00024 & 26

**BEFORE: THE HON MISS JUSTICE P WILLIAMS JA
THE HON MISS JUSTICE EDWARDS JA
THE HON MRS JUSTICE HARRIS JA**

**DAUNTAE NEWLAND
DEANDRE NEWLAND v R**

Vincent Wellesley for the applicants

Janek Forbes for the Crown

28 February 2023

Endorsement read by Edwards JA

[1] In this case, the court is of the view that there has been a miscarriage of justice given the state of the identification evidence, the credibility of the complainant and the inadequate treatment of these issues by the learned trial judge.

[2] In the premises, the convictions are unsafe and cannot stand.

[3] The order of the court, therefore, is that:

- (1) Leave to appeal conviction is granted to each appellant.
- (2) The hearing of the application for leave to appeal conviction, in respect of each appellant, is treated as the hearing of the appeal.
- (3) The appeals against conviction and sentence are allowed.
- (4) The convictions are quashed and sentences set aside. Judgment and verdict of acquittal is entered in respect of each appellant.