

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 65/07

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

ISROY PANTHER v R

Applicant unrepresented

Miss Paula Llewellyn, Director of Public Prosecutions and Miss Claudette Thompson for the Crown

12 May, 2008

ORAL JUDGMENT

MORRISON, J.A.:

The applicant Isroy Panther, was convicted on the 23 April 2007 on two counts of an indictment charging him with illegal possession of firearm and illegal possession of ammunition. He was sentenced by the learned trial judge to ten years imprisonment at hard labour on each count. The sentence is to run concurrently. His application to the single judge for leave to appeal was refused and he has now come before this Court seeking leave to appeal.

The facts briefly are that police officers went to premises owned and occupied by the applicant at Bowens Road, Kingston 13 with a search warrant under the Dangerous Drugs Act. There they found the applicant sitting outside. He acknowledged that the premises was his, he took them into a room occupied by him and he said that there was another room on the house which he actually rented out. A search was carried out when under a floor board in the premises, a firearm was found - a 9 mm mini UZI single action auto loading pistol loaded with 22 unexpended cartridges in addition to which a number of unexpended firearm cartridges were also found. The firearm was tested by the ballistic experts and found to be in good working conditions and capable of discharging deadly bullets.

The only issue in the case, given that the applicant accepted that the premises were his and that he was in occupation of them, was whether the possession of the firearm and the ammunition could be linked to him, particularly in the light of fact that his defence was that he did not know that those items were under the floor board. In addition to the evidence of the police officers that the firearm and the ammunition were actually found there, both officers gave evidence that just before the find was made, the applicant, who was in the room with them, turned and attempted to run and had to be restrained by the police officers. In fact the applicant himself confirmed that to some extent by

volunteering that what he did was to move his feet slightly in response to a pain that he then begun to feel from an earlier injury.

In our view, the evidence taken all together amply justified the findings of the learned trial judge that the applicant was in possession of the ammunition and firearm at the material time. The learned trial judge dealt adequately with the single issue in the case and in the circumstances we can find no basis for an appeal. The application for leave to appeal is accordingly refused. The applicant's sentence is to run from the 23 day of July 2007.