

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 38/87

COR: The Hon. Mr. Justice Carey, J.A.  
The Hon. Mr. Justice White, J.A.  
The Hon. Mr. Justice Wright, J.A.

R. vs. ANTHONY ROBINSON

Mr. Canute Brown for the Crown

21st March, 1988

CAREY, J.A.:

In the High Court Division of the Gun Court, on the 12th of March, this applicant, Anthony Robinson, was convicted on an indictment which charged him for illegal possession of a firearm. He was sentenced to a term of 10 years imprisonment at hard labour, and now applies to this Court for leave to appeal against that conviction.

This morning, Mr. Cruickshank, who appeared before us indicated that Mr. Pickersgill had, on two occasions, been approached by parties who are in touch with the applicant; the result of these approaches is that there is some possibility, seemingly remote, that Mr. Pickersgill might, some day in the future, be put in a position to appear for this applicant. The application for leave that the case be taken out of the list on that basis cannot be entertained and

is accordingly refused.

Insofar as the application, proper, is concerned, the facts are altogether uncomplicated.

On the 19th of September, last year, police officers who were on patrol in the Barry Street area saw this accused man in some church premises, confronted him and took from him, from a bag which he had, a .38 Smith & Wesson revolver from which the serial number had been erased. When he was arrested and cautioned he said, "Officer beg you a chance, sah, a no fi mi gun."

His defence was that the gun was found somewhere on some premises near him, but he had nothing whatever to do with it. He was merely an innocent passerby whom the police pounced on because some other person who had hidden the gun there, had made off and doubtless on the basis of "you can't catch Quaco, you catch him shut", he was held.

The learned trial judge rejected that defence, and as we said, convicted him. Learned counsel for the Crown whom we requested to give assistance to the Court, has intimated that he can find nothing which could be put forward on behalf of this applicant. We ourselves have read the papers and the evidence is overwhelming.

In the result, the application for leave to appeal, insofar as conviction, must be refused. The application also concerned the question of sentence; he was sentenced to a term of 10 years imprisonment at hard labour. We note that he had a previous conviction for a similar offence on the 11th of October the previous year and in respect of that he was sentenced to pay a fine of \$4,000.00 or 2 years imprisonment at hard labour. It would appear that he had not learned from that indulgence, and we can see no reason to interfere with the sentence which, we think, was eminently warranted on the facts.

We direct that the sentence commence from the date of conviction.