

No. 723

J A M A I C A

IN THE COURT OF APPEAL

R.M.C.A. No. 228/65

BEFORE: The Hon. Mr. Justice Duffus (President)  
The Hon. Mr. Justice Henriques  
The Hon. Mr. Justice Moody (Ag.)

R. v. A R T H U R R I C H A R D S

M. C. Orr for the Crown.

Appellant in person.

29th November, 1965.

DUFFUS, P:

The appellant was convicted of wounding. The evidence for the Crown was that the appellant used a knife and slashed the complainant in his face, inflicting a serious wound which may result in permanent disability to the complainant.

The defence was that the appellant had not cut the complainant; he did not even have a knife with him. There was some confusion in the Resident Magistrate's Court regarding the identification of the knife. It appears that the wrong knife was first handed up to a witness named Blythe - and he identified that knife as the knife which he had taken away from the appellant at the time of the incident. Apparently, it was discovered that there was a second knife in Court and the second knife was then shown to the witness which he then identified as the correct knife and he said he had made a mistake when he identified the previous knife. A Constable who was called identified the second knife and he said that he had received it when he went to investigate the incident, and he also said he saw blood stains on this knife.

The whole matter was essentially one of fact for the learned Resident Magistrate and we see no reason to interfere. The wound was a serious one, and although the appellant has no previous record for wounding, he, nonetheless, has many previous convictions.

/The.....

The Court will not interfere with the sentence which was imposed of six months imprisonment. The appeal is dismissed.

W. J.

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