

C.A. CRIMINAL LAW - Burglary and larceny -  
Identification - Visual identification.  
Application for leave to appeal - refused

It is recommended to

JAMAICA

CMP

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 144/88

EVIDENCE  
Criminal Record

BEFORE: The Hon. Mr. Justice Campbell, J.A.  
The Hon. Mr. Justice Wright, J.A.  
The Hon. Mr. Justice Gordon, J.A. (Ag.)

R. v. BALDWIN PARKES

Application for leave to appeal

Miss Marcia Hughes for Crown

February 20, 1989

CAMPBELL, J.A.

The applicant was convicted by Mr. Justice Marsh before a jury in the Portland Circuit Court on the 14th of June, 1988. The offences in respect of which he was convicted are burglary and larceny in count 1 and wounding with intent in count 2. He was sentenced to concurrent terms of imprisonment of five years and 8 years at hard labour but consecutive to 18 months previous imprisonment which had been suspended. He applies to this court for leave to appeal following refusal of his application by a single judge. There is really no merit in this application. The complainant a 62 year old lady gave positive evidence of recognizing the applicant whom she had known before. The physical circumstances relative to lighting, proximity, view and time were conducive to such recognition. The applicant within a few days of the burglary and larceny was found in possession of goods identified by the complainant as belonging to her. The learned trial judge dealt adequately with the issue of identification raised

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by the applicant in his defence of alibi and there were no misdirections observable in the summing up. For these reasons the application for leave to appeal is refused. It is ordered that the sentences of imprisonment commence from 14th September, 1988.