

IN THE COURT OF APPEALR.M. COURTS CRIMINAL APPEAL NO. 254/65

BEFORE: The Hon. Mr. Justice Henriques (Presiding)
The Hon. Mr. Justice Waddington
The Hon. Mr. Justice Moody

R. vs. C L E V E L A N D W A L S H

Mr. C.F.B. Orr for the Crown

Mr. K. Douglas for the appellant

4th February, 1966.

HENRIQUES, J.A.,

This appeal arises out of an incident which took place on the 24th of September last year at Woodside in the parish of St. Ann. The version put forward by the prosecution was testified by three witnesses.

The appellant in his evidence raised the defence of self-defence. He stated that he had been attacked by the complainant first with an axe and secondly with a machete. He had his back against the wire fence, and it was in those circumstances he threw the stone and inflicted the injury on the complainant. That defence obviously was rejected by the learned Resident Magistrate. He was entitled to do so; and after listening to the arguments which have been advanced by learned Counsel for the appellant, we see no reason to interfere with the findings of the Learned Resident Magistrate. The appeal is accordingly dismissed.