

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 182/06

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

R v CONROY SMART

Applicant unrepresented

**Miss. Paula Llewellyn, Q.C. Director of Public Prosecutions & Ms.
Claudette Thompson, Crown Counsel for the Crown**

12th May 2008

ORAL JUDGMENT

PANTON, P.

1. In this matter the applicant who was indicted as Conroy Smith, but who is really Conroy Smart and who was tried as Conroy Smart throughout was charged with causing grievous bodily harm with intent and this grievous bodily harm was done to James Gooden. The particulars are that he committed this offence on the 24th day of April 2004. He was tried before Miss Justice Mangatal and a jury in the St. James Circuit Court. The sentence was imposed on the 2nd October 2006 when she mercifully sentenced him to 14 years imprisonment.

2. The circumstances are that the applicant inexplicably spewed acid on the complainant who was sheltering from rain on the piazza of a shop at Dumfries in

the parish of St. James. The applicant gave the traditional unsworn statement. This was particularly brief in that he stated where he lived, and just simply said that the first time he was seeing Mr. Gooden was at the Freeport lockup and he had nothing further to say.

3. The learned trial judge, in what was really a simple case, dealt with the issues and gave appropriate directions to the jury, and the jury in just over an hour returned a verdict of guilty. We will amend the indictment formally for what it is worth, as it is clear that an error was made so far as the printing of the surname is concerned.

3. The learned Director of Public Prosecutions has seen nothing in the transcript which merits any consideration so far as the shaking of this verdict is concerned. We too have considered the circumstances and we see no reason to disturb the verdict and the sentence. We agree with the single judge that the application for leave to appeal ought to be refused and we do so and order that the sentence is to run from the 2nd January 2007.