JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 22/90

BEFORE: THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MR. JUSTICE FORTE, J.A.
THE HON. MR. JUSTICE GORDON, J.A. (Ag.)

REGINA vs. GEORGE PRESTON

Applicant appears in person

Miss C. Reid for the Crown

March 18, 1991

WRIGHT, J.A.:

The applicant, George Preston, is a fifty year old refridgerator technician who, on an indictment charging him with wounding with intent, was on the 31st January, 1990, convicted of unlawful wounding and fined $1,500 or the alternative of twelve months imprisonment at hard labour. He now seeks leave to appeal against his conviction.

The facts simply are that on the 22nd October, 1988, the complainant, Mr. Percival Tennant, who boasts of his strength, went to Mr. Preston's home along with his niece, Pamela Tennant, to retrieve some property belonging to her. Mr. Preston was then on a bed in his room and Mr. Tennant admitted that he assaulted the applicant in his bed, butted him and brandished a knife. Mr. Tennant was ordered out of the room by the applicant and he complied. Mr. Tennant said he took one bag outside to the car and when he returned to take the other bag he suddenly felt two blows to his left

eye. He immediately lost vision to the eye. Mr. Tennant spun around, recognised the applicant standing there and he administered to the applicant a karate chop which felled him. Mr. Tennant said he heard a machete fall from the applicant's hand.

The facts are in a very brief compass. The learned trial judge put the issues clearly before the jury.

The defence that was raised, and in which Mr. Preston persisted today, was that he did not leave his room, he was there at all times, after he was assaulted in his room by the complainant, and he never left the room at all so he doesn't know what happened outside. But before us he admitted that he did get the karate chop but he said that that happened inside.

We can find no fault with the summing-up and we think that the verdict of the jury is well supported by the evidence that they had to consider. We, therefore, refuse the application for leave to appeal.