

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL No. 151/65

777

Before: The Hon. Mr. Justice Duffus, President
The Hon. Mr. Justice Waddington
The Hon. Mr. Justice Shelley (Actg.)

REGINA VS. KENNETH CAMPBELL

Mr. L.H. McLean for the Appellant
Mr. C.B.F. Orr for the Crown

31st January, 1966

DUFFUS, P.,

The matter can be dealt with extremely briefly. This is an application for leave to appeal against convictions in the Home Circuit Court for Rape and Burglary. The Court has considered the submissions and arguments put forward by learned counsel for the applicant and has examined the evidence and the Summing-up and the Court is satisfied that there were no misdirections in the Summing-up. It was adequate and fair. The suggestion that the learned judge was biased and communicated his bias to the Jury, is in our view unfounded. The judge did no more than to point out accurately such evidence as had been placed before the Jury.

On the question of the identification of the applicant, the Court is satisfied that there was evidence as to the identification of the applicant. The matter was explored very fully at the trial by learned counsel for the applicant in the course of cross-examination of the complainant and of the complainant's mother, and the learned judge put all aspects of this to the Jury adequately and fairly, and it was entirely a matter for the Jury to say whether they were prepared to act on the evidence of identification.

The Court sees no reason why leave to appeal should be granted. The application is refused.