

OF Court - Trial - (Illegal possession of
firearm, illegal possession of ammunition, wounding with intent,
Evidence - same as in the previous indictment.
American's Clean to ask her to defend. It was refused.

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 141/88

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. LEROY BLAKE

Application for leave to appeal

Ms. Paula Llewellyn for Crown

March 13, 1989

CAMPBELL, J.A.

The applicant was found guilty by Clarke J. in the High Court Division of the Gun Court on June 10, 1988 on an indictment containing 4 counts. There were 2 counts for illegal possession of firearm, 1 count for illegal possession of ammunition and 1 count for wounding with intent. He was sentenced to concurrent terms of imprisonment of 10 years, 10 years, 5 years and 15 years at hard labour respectively.

The evidence adduced was, briefly as follows, Corporal Horner Williams on January 9, 1987, acting on information proceeded to Hampton Green in St. Catherine, the time was about 8.00 o'clock in the evening. On reaching Hampton Green, he received further information which caused him to travel along a lane off St. Johns' Wood through Tawes Pen in Saint Catherine. He was travelling with Cons. Miller, they were dressed in plain clothes and travelling in an unmarked police jeep.

The place was well lit with street lights. The applicant was seen riding a bicycle towards the jeep with something bulging from his waist. He was immediately recognized by Corporal Williams who caused the jeep to stop, alighted and called on the applicant to stop. The applicant jumped off his bicycle and ran into a nearby lane and engaged Corporal Williams in a gun battle arising out of which Corporal Williams was wounded and hospitalized for five days in the Spanish Town Hospital.

Nearly five months later on the 29th of May, 1987 at about 3.30 p.m. Corporal Williams was on his way to his doctor when he saw the applicant on Job Lane in Spanish Town. Corporal Williams was then travelling in a private motor car with Det. Cpl. Woodhouse. The car bore down on the applicant who was in the company of three others. The applicant known as "Trickle Dog" drew his gun, ran and jumped into a canal while being fired at by Corporal Williams. he was cornered and apprehended in the canal and his firearm with ammunition recovered from the canal.

The applicant made an unsworn statement in which he denied jumping in the canal on May 29, 1987 or that he was in possession of any gun on that day. He denied knowledge of the incident of January 9, 1987. The learned trial judge rightly isolated the question of visual identification as the essential issue in respect of the first encounter and warned himself of the need for caution in considering the evidence relating thereto.

He considered the factors of personal knowledge of the applicant by Corporal Williams, adequacy of street lighting, closeness of the applicant to the witnesses and the type of view which they had of him and concluded that the circumstances were conducive to the applicant being seen and recognized by Corporal Williams. We see no reason for disagreeing with the findings and conclusions of the learned trial judge. the application for leave to appeal is accordingly refused. Sentences are ordered to commence on September 10, 1988.