

JAMAICA

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO: 67/89

BEFORE: The Hon. Mr. Justice Campbell, J.A.
The Hon. Mr. Justice Forte, J.A.
The Hon. Mr. Justice Gordon, J.A. (Ag.)

R. v. LLOYD MITCHELL

E. DeLisser for Appellant

Miss P. Williams for Crown

13th December, 1989

CAMPBELL, J.A.

The appellant was convicted of common assault on June 20, 1989 and fined \$1,500.00 or 4 months imprisonment at hard labour. The appellant is a police constable and the common assault which was in the night of August 4, 1988 was upon Corporal Ronald Small who had reported to Sergeant Martin in the presence of the appellant that the latter had not turned up for duties at the Denham Town Remand Centre the night before. The appellant armed himself with an M16 rifle which was loaded and pointed the same to and touching the face of Corporal Small and threatened to kill him. The appellant denied this. The learned Resident Magistrate accepted Small's version. He was entitled so to do having seen and heard the complainant on the one hand and the appellant and his witness on the other hand.

Mr. DeLisser was allowed to argue supplementary grounds of appeal. He argued these with tenacity. They were

2.

directed at findings of the Resident Magistrate which he submitted were either not supported by the evidence or were unreasonable. We found the basic findings of the Resident Magistrate supported by evidence which he was entitled to and did accept.

Appeal dismissed conviction and sentence affirmed.