

JAMAICA

IN THE COURT OF APPEAL

R.M. CRIMINAL APPEAL NO. 194/68

Scam

B E F O R E : The Hon. Mr. Justice Henriques - President
The Hon. Mr. Justice Eccleston - J.A.
The Hon. Mr. Justice Fox - J.A.

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R. v. NEVILLE VERNON

Mr. D. Daly for the Appellant.
Mr. C.A. McCalla for the Crown.

7th March, 1969

FOX, J.A.

This is an appeal from a conviction by the learned Resident Magistrate for St. Andrew in which he found the appellant guilty of assault occasioning actual bodily harm and fined him £10. or in the alternative, imprisonment at hard labour for three months.

The Crown's case consisted of allegations by the complainant that he was struck on his mouth and on his jaw by the appellant and injured. He was received into hospital and treated.

The defence was that the complainant had approached the appellant with his hand in one pocket and, pointing the finger of the other hand in the appellant's face, threatened to shoot him. In this situation the appellant struck in self defence.

The Magistrate having found the appellant guilty must be taken to have accepted the version of the incident advanced by the complainant who specifically denied that he had pointed his finger in the appellant's face and with one hand in his pocket,

/threatened -

threatened to shoot him.

Only one substantial ground of appeal has been argued before us. It was contended that having regard to a number of discrepancies in the evidence of the complainant, and bearing in mind its conflict with the evidence for the defence, the Magistrate ought not to have accepted the version of the facts given by the complainant. We have examined these discrepancies and this conflict. They do not affect the essential fact stated by the complainant, viz, that he was struck on his jaw at a time when he was speaking with the appellant; struck without any provocation or hostility on his part.

We cannot say that the verdict is unreasonable having regard to the evidence. The other matters which were touched upon are really not of importance. This appeal should be, and is accordingly dismissed.