

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 48/87

BEFORE: The Hon. Mr. Justice Carey, J.A.
The Hon. Mr. Justice Campbell, J.A.
The Hon. Mr. Justice Wright, J.A.

R. v. NORMAN EDWARDS

No appearance for the applicant

Miss V. Grant for Crown

June 6, 1988

CAREY, J.A.:

In the High Court Division of the Gun Court on the 16th of March, 1987, this applicant Norman Edwards was convicted on an indictment which charged him for illegal possession of a firearm and wounding with intent. In respect of these counts, he was sentenced to terms of 5 years and 12 years imprisonment at hard labour. He now applies for leave to appeal both his convictions and sentence.

We have given the matter our careful consideration and we find no merit in the application. Insofar as the facts went, they were quite plain and straightforward.

On the 28th of June, 1986 the victim who operates a mini-bus was driving it along a road called Passal Avenue, sometime in the afternoon, when he was confronted by this applicant who was known to him prior to the incident. There was a short conversation in the course of which, the applicant pulled a firearm and shot this man in his mouth. It happened in broad daylight and there could be no question of any mistake.

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There was another witness who heard the shot and came upon the scene, shortly after and found the applicant hiding nearby. Indeed, when the police officer called to him he dropped a pouch and from that pouch a firearm which was recovered.

The defence was a rather peculiar one, viz., that he was on the scene, heard the shot but he had not fired the weapon.

As we have said, the evidence was all one way and the learned trial judge had no difficulty in determining the single issue in the case, viz., as between two conflicting versions of the incident, who should be believed. We have seen no reason whatever to disturb the conclusion of the learned trial judge. Accordingly, the application for leave to appeal is refused. The Court directs the sentence to commence on the date of conviction.