

C.A. Commission. Gun Charge (Illegal possession of  
firearm, wounding with intent) - Indictment  
Identification Sentence  
Application for leave to appeal referred to Commission for  
JAMAICA

✓ comp

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 57/88

Evidence  
Crown vs. Raymond Grey

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

R. v. RAYMOND GREY  
O/C JUNIOR GREY

Application for leave to appeal  
Ms. Paula Llewellyn for Crown

13th March, 1989

CAMPBELL, J.A.

The applicant was convicted of the offence of illegal possession of firearm and wounding with intent by Mr. Justice Gordon on the 10th March, 1988 and sentenced to terms of imprisonment of 10 years and 8 years at hard labour respectively, the sentences to run consecutively.

The facts in this case are very brief. The complainant Errol Wright had a previous encounter with the applicant about a week before the incident which took place on the 30th June, 1987. This earlier incident was in connection with the applicant presenting to the complainant a \$100.00 bill out of which the complainant was expected to recover bus fare of \$1.20, in the circumstance the complainant felt that the applicant really did not want to pay the fare and to prevent him getting away from paying the fare, the complainant held the \$100.00 for some time until he secured adequate fares from other persons so to make the change possible. For this the applicant entertained a grudge and

some animosity towards the complainant. The appellant was able to have his revenge on the complainant on the 30th day of June, 1987, when unfortunately the complainant's bus on which he was a conductor had a flat tyre somewhere in the area of the Red Hills Road. The applicant did some small business on that road. It is not clear whether it was a tuck shop or some cold food business he was operating, however as the complainant set off on a bicycle to a nearby gas station to obtain a tube for his bus he was accosted by the applicant who referred to their earlier encounter when the complainant refused to let him have a free ride on the bus and threatened him that now, he the complainant was in his the applicant's territory and could find himself a dead man. He struck the complainant, who then got off the bicycle and retaliated by hitting the applicant. This was but the prelude to the applicant pulling a gun from his waist and firing at the complainant at short range. The bullet struck the complainant in his left arm. The applicant moved off as if nothing wrong had transpired. The applicant was well known to the complainant who had been seeing him in the Red Hills Road area for some time.

The learned trial judge in a very short summation referred to these facts and indicated that though visual identification was involved there was adequate street lighting on Red Hills Road and further that the remarks of the applicant which he accepted as having been made identified the applicant as the person who had the previous encounter with the complainant. The applicant, in our view was properly found guilty and the sentences are to be viewed against the background of the applicant's previous history. There was a previous conviction of this applicant on the 27th of August, 1974 for illegal possession of firearm, he was born on the 9th of April, 1962 and was thus only a few months above the age of 12 years. Thereafter he was often in the arms of the law for housebreaking and larceny until he returned to involvement with firearms.

The learned trial judge properly took these into consideration when he sentenced him to 10 years in respect of illegal possession of firearm and 8 years in respect of wounding with intent and ordered that the sentences run consecutively, resulting in a term of 18 years at hard labour. We see nothing wrong with the sentences as imposed, because we think that in principle they are correct.

For these reasons the application for leave to appeal is refused. The sentences are ordered to commence on the 10th of June, 1988.