

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 60/07

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
THE HON. MRS. JUSTICE HARRIS, J.A.
THE HON. MR. JUSTICE DUKHARAN, J.A.**

R v ANDREW EDWARDS

Applicant unrepresented

**Ms. Maxine Jackson, Assistant Director of Public Prosecutions (Ag.)
for the Crown**

23rd February 2009

ORAL JUDGMENT

PANTON, P.

1. The applicant Mr. Andrew Edwards was convicted on counts 1, 2 & 3 of an indictment that originally contained 7 counts. He was convicted by Mr. Justice Marsh who was sitting in the High Court Division of the Gun Court. The trial took place between the 26th of March and the 4th of April 2007. The offences were illegal possession of firearm and robbery with aggravation. There were two counts of robbery with aggravation. The count for illegal possession of firearm charged him with being in possession, on the 17th day of June 2006, in the parish of St. Catherine, of a firearm not under and in accordance with the terms and conditions of a Firearm Users Licence.

2. The second count charged him with robbery with aggravation, the particulars being that, he on the 17th of June 2006 being armed with a firearm and being together with another, robbed Latoya Roberts of a cell phone, a handbag containing passport and TRN card, property of the said Latoya Roberts; and the 3rd count charged him with robbery with aggravation, the particulars being that he, on the 17th day of June 2006 armed with a firearm and being together with another, robbed Delroy Johnson of a bag containing a quantity of tools valued at \$30,000.00, a camera valued at \$22,000.00 and 3 cell phones valued at \$44,000.00.

3. After hearing evidence and submissions, the learned trial judge having convicted, imposed concurrent sentences of 7 years for the illegal possession of firearm and 10 years imprisonment on each count of robbery with aggravation.

4. Mr. Edwards, not being pleased with his conviction, applied for leave to appeal. A single judge of this court, in considering the application for leave to appeal, noted that the issues of identification and credibility were adequately dealt with by the learned trial judge. The evidence of visual identification was also supported by the evidence, which the judge accepted, of the finding of one of the stolen articles in the applicant's possession upon his apprehension, as well as by his own admission to the police after he was cautioned. Accordingly, the single judge refused his application for leave to appeal.

5. As is his right, Mr. Edwards has renewed his application before the Full Court. We have reviewed the transcript and we have examined carefully the reasons for judgment as recorded as having been stated by the learned trial judge.

6. We have heard from counsel for the Crown that she has seen nothing that could be usefully urged on behalf of the applicant. The applicant is unrepresented and we have considered carefully all that has been put before us and we too have seen nothing which would warrant granting him leave to appeal. The learned trial judge dealt adequately with all the issues which arose. We note that the sentences were quite mild bearing in mind that a firearm was involved.

7. In the circumstances, we see no reason to grant the application. It is wholly without merit. Accordingly, we refuse it and order that the sentences are to run from the 4th of July 2007.