

C.A.

CRIMINAL LAW - Gun Count - (Illegal possession of firearm, rape, robbery with aggravation) Identification. No merit is apparent. Application for leave to appeal dismissed.

No case referred to.

J A M A I C A

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 185/87

comp
Evidence

BEFORE: THE HON. MR. JUSTICE ROWE, PRESIDENT
THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE FORTE, J.A.

REGINA

VS.

BROSBERT LEWIS

No Appearance for the Applicant

Miss V. Grant for the Crown

June 14, 1988

ROWE P.:

The applicant Brosbert Lewis was convicted in the Gun Court Division of the Manchester Circuit Court on the 8th of October, 1987, for illegal possession of firearm, rape and robbery with aggravation. These involved two quite separate incidents.

On the early evening of the 10th of July 1987 at about 7:45 p.m., Mr. Rudolph Lowe was returning to his home. He was driving in a motor vehicle and he was accompanied by his son. He was pounced upon by a person whom he has identified as the appellant and a large quantity of cash was stolen from him. This happened at Woodlawn in Manchester and while the son was approaching shots were fired at him.

Later on that same night at about 2:30 a.m. at a district called Clover Way also in Manchester, three ladies were sleeping in a house when an intruder who has been identified as the applicant came upon them and he demanded, firstly, what goods they had and thereafter he successively raped two of the women and then remained in the premises for a considerable length of time, as it were, to rest, and then left saying that they could now go and enjoy themselves.

The single issue in this case was identification. The learned trial judge was in no doubt that the witnesses properly identified the applicant on identification parades and he found the applicant guilty as charged.

We find absolutely no merit in the application for leave to appeal and the applications are dismissed and the convictions and sentences affirmed. Sentences will run from the date hereof.