

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 98/88

BEFORE: THE HON. MR. JUSTICE CAREY, PRESIDENT (AG.)  
THE HON. MISS JUSTICE MORGAN, J.A.  
THE HON. MR. JUSTICE GORDON, J.A. (AG.)

REGINA

VS.

CURTIS DAVIS

APPLICATION FOR LEAVE TO APPEAL

Rugh Wildman for Crown

September 25, 1988

CAREY P. (AG.):

In the St. Catherine Circuit Court held in Spanish Town on the 27th of April 1987 before Ellis J. sitting with a jury, this applicant was convicted on three counts of an indictment all charging burglary and larceny. He was sentenced to concurrent terms of five years imprisonment at hard labour. He now applies for leave to appeal his conviction and sentence.

The facts need be stated in summary form only. In the early morning of the 21st October 1987, houses of three persons in the Waterford area of St. Catherine were broken into and a variety of articles stolen. A police officer who was on patrol apprehended this applicant and in

his possession were found all the articles which had been removed from the houses of these householders.

In his defence the applicant said that he had been given the articles to carry. So far as the prosecution case went the police officer said that when he accosted him and asked him what he was doing with these articles he had indicated that he was a workman and was working on them. Obviously, the officer did not believe his story, nor did the jury who heard the second version of his story.

As Crown Counsel has pointed out correctly, the learned trial judge left the issues very clearly, adequately and fairly to the jury. The case rested wholly on the doctrine of recent possession which was properly and adequately left to the jury for their consideration.

We can see no reason whatever to interfere with the verdict at which the jury arrived nor can we see that there is any fault to be found in the summing-up. The application for leave to appeal is accordingly refused and the court directs sentence to commence from the 27th of July, 1938.