

cc) FINAL LAW/Firearm - appeal from Gun Court - (1) Illegal possession of firearm (2) Robbery with aggravation (3) Wounding with intent. ample evidence on which Judge could have come to conclusion of guilt - APPLICATION for leave to appeal refused

JAMAICA

No case referred to

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 165/87

BEFORE: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MR. JUSTICE DOWNER, J.A.

REGINA

VS.

DANIEL WILLIAMS

No appearance for the applicant

Miss V. Bennett for the Crown

May 31, 1988

CAREY, J.A.:

In the High Court Division of the Gun Court held in St. Mary, on the 17th of August, this applicant, Daniel Williams, was convicted on an indictment which contained 3 counts. It is alleged against him on Count 1 that he was illegally in possession of a firearm, as to Count 2 he was charged for robbery with aggravation and Count 3 charged wounding with intent. In respect of the first two counts he was sentenced to terms of ten (10) years imprisonment at hard labour and four (4) years hard labour on the third count.

The facts are that on the 18th of February, 1986, at Jacks River in the parish of St. Mary, Mr. Lindel Watson was relaxing on his verandah with his girlfriend and other members of their family when they were disturbed by shouting, and demands for money. They also heard threats to shoot, and they saw about eight people, really a gang, outside a shop crossing the street

from their premises. Two explosions like gunshots were heard as they withdrew hurriedly from the verandah. Mr. Watson's girl-friend was injured by the shot as was Walker who received a minor injury to his thumb. Among the gang was this applicant, known to one of the witnesses as "Scrap Iron". She had known him for about two years. He was in the house for some time; there was light in the room, and this witness was quite able to make out his features. While these men were in the house, they ransacked it and robbed the occupants of a large number of articles.

The defence was an alibi. He said that for the entire month of February, he was not in St. Mary. This was a sharp issue of fact and the learned trial judge considered very carefully the question of identification and appreciated the need to examine very carefully the quality of the evidence before him.

In our view, there was ample evidence on which he could come to a conclusion of guilt. In the result, the application for leave to appeal will be refused.