

C.A. CRIM. APPEAL - That demanding money with menaces  
with intent to steal  
Single case - judge has not all cases by judge  
Application for leave to appeal dismissed.

JAMAICA

No Counsel to. 2 comp

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 196/87

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

REGINA vs. ERIC GORDON  
DALTON CRAWFORD  
WINSTON ANDRADE

No appearances on behalf of applicants

Miss Vinnette Grant for the Crown

January 18, 1989

ROWE, P:

The Applicant Dalton Crawford is charged on an indictment containing three counts, along with two other men Eric Gordon and Winston Andrade, in relation to a series of events which spanned the period 17th February, 1986 to 6th of March, 1986. Crawford himself was only charged in relation to the third of the incidents which took place on the 6th of March, 1986. All three counts charged demanding money with menaces with the intention to steal. Crawford was convicted before Reckord, J., and a jury in the Home Circuit Court on the 22nd of October, 1987 and he was sentenced to serve a term of 3 years imprisonment at hard labour. His application for leave to appeal although refused by the single judge has come before us and we have to consider the grounds of appeal filed by him, which are to the effect that Mr. Raby Williams did not give evidence on

oath and was therefore not a person whose evidence ought to be believed, and further that the dealings which he had with Mr. Raby Williams, who was the main witness for the Crown, had to do only with an offer by him to put Mr. Williams in a good position to win at the races, he (the applicant) being in possession of some inside knowledge of what was likely to transpire in the forthcoming race meeting. He denied, in his grounds, that he was a party to the demand of money by menaces.

The Crown's case is that between the 17th of February, 1986 and the 6th of March of the same year, a scheme was hatched, with a man called Reeves at the very centre and the scheme was to seek to obtain money from Mr. Raby Williams, Jnr., by menaces. Reeves was well known to Mr. Williams and had benefited in the past from Mr. Williams' generosity. The allegation was that Reeves and another man Gordon, first approached Mr. Williams and told him that Reeves had shot a man and Reeves wished to leave the island and so they needed money to permit Reeves to stowaway. The man Gordon said he had contacts and was able to carry through the scheme. Whereupon, the evidence is, Mr. Williams gave a cheque for six hundred dollars (\$600.00) to Gordon and both men went away. The cheque was drawn in favour of Mr. Gordon as Mr. Williams felt that Reeves being wanted by the police he could not himself safely approach the bank.

On the 19th of February, that is to say a couple of days later on, Gordon, according to the prosecution, again approached Mr. Raby Williams this time with somebody who pretended to be a police officer and again the same story was repeated that Reeves had murdered a man. Mr. Williams was told that the police knew that he had aided Reeves to leave the island and unless the police were given a considerable sum of money, this time \$5,000.00, then Mr. Williams would be in trouble for having assisted Reeves, who was wanted for murder, to leave the country. Mr. Raby Williams paid over the \$5,000.00 on that occasion. Then there was the third contact with Mr. Williams, Jnr., on the 6th of March, 1986.

The Crown's evidence was that the applicant Crawford and one Andrade went to the Office of Mr. Raby Williams, Snr., in New Kingston seeking for Mr. Raby Williams, Jnr., and after some discussion these men did see Mr. Raby Williams, Jnr. The evidence is that Winston Andrade then told Mr. Raby Williams, Jnr., that the applicant Dalton Crawford was the nephew of the man whom Reeves had shot and therefore, if Mr. Williams did not pay over a further sum of \$5,000.00, Dalton Crawford would have to report the matter to the police and inform them of the part played by Mr. Williams in Reeves' escape. Crawford confirmed what Andrade said that it was his uncle who had been shot by Reeves. Mr. Williams refused to give any more money and the men began to threaten him and behave rather badly. The police were summoned. Andrade and Crawford had by then gone their separate ways but the police picked them up before they could leave the New Kingston area.

At trial the applicant said that he had simply gone along with another person to the office of Mr. Williams, as a sort of tout, intending to offer Mr. Williams a good opportunity to gamble on the horses, that Mr. Williams refused so to do and he left. He said there was no demand for money and there was no allegation about Reeves shooting anyone.

These were quite simple facts and if the Crown's case was accepted by the jury, then the charge of demanding money with intent to extort would be amply proved. The learned trial judge, in a very long, very scholarly, and a very careful summing-up, placed before the jury all the issues in the particular case and the jury's verdict in relation to Crawford ~~cannot~~, in any way, be impugned. The sentence of 3 years hard labour seems commensurate with the ~~gravity~~ gravity of the charge. The ~~applicant~~ ~~for~~ leave to appeal is dismissed. Sentence ~~will~~ begin to run 3 months from the date of conviction.