

CA- CRIMINAL LAW - Murder Trial - No argument
ground of appeal - Application for leave
to appeal refused. ✓comp

No Case referred to JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 210/87

Criminal Practice
[Extraordinary bravery of Crown witness]

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

REGINA

VS.

LANCY GALLIMORE

No Appearance for the Applicant

Miss Antoinette McKain for Crown

July 11, 1988

ROWE P.:

On the 8th day of May 1987, at about 9:30 p.m.,
Mr. Phillip Robinson was a passenger on a minibus which was being
driven along Dunrobin Avenue in St. Andrew going in the direction
of Constant Spring Road. When the bus reached in the vicinity of
the Budweiser Factory, a point in the road where on the evidence
there was an abundance of electric lights from premises adjoining
the highway as well as on the highway, Mr. Robinson looked to the
left of the road and he saw a man facing a woman on the sidewalk.

The man's back was turned to him. He observed that the man and woman appeared to be speaking to each other but he could not hear what was being said.

Mr. Robinson noticed that the man pulled something from the vicinity of his waist and made a motion, a hostile motion, towards the woman. He saw the man move off hurriedly and the woman began to run towards the bus. Mr. Robinson got off the bus and the woman fell into his arms and said words to the effect: "See how this man stab me." The man was then running along Dunrobin Avenue in the direction of Constant Spring Road.

Mr. Robinson got back onto the bus and the bus drove in the same direction and Mr. Robinson said from his position on the bus he was at all times able to see and to keep under observation the man who was running and whom he had seen make this motion towards the woman.

Mr. Robinson said the man attempted to cross from the left of the road to the right hand side but there was a motor car in his way which gave him a little bit of a nudge and so he returned to the left of the road and about that time the bus came to where the man was. The bus driver had to slow down and Mr. Robinson in a calm and cool way simply got off the bus and allowed the man to get onto the bus. The bus drove for some little distance down Constant Spring Road, in a southerly direction, when the man expressed the wish to get off the bus at a point which was not a bus stop. Mr. Robinson encouraged him to remain until they got to a bus stop. The man tendered a one dollar bill but did not wait for his twenty cents change. He got off the bus and again in a calm way Mr. Robinson got off the bus and followed him.

Mr. Robinson pretending to be a police officer challenged this man to stop. He placed the man against a wall, searched his pockets and removed from him an ice-pick. Once he had disarmed the man

applicant singlehandedly, at a time when the applicant to his knowledge was armed, in circumstances where very few people in Jamaica would have shown such bravery.

We think that the initiative shown by Mr. Robinson deserves the highest commendation, as so few people wish to get up and be counted in circumstances where they are not themselves directly involved.

We express the hope that the Police Authorities will find some tangible and meaningful way to express its appreciation to Mr. Robinson for his exemplary behaviour in apprehending this applicant.

In our view, there being no arguable point in favour of the applicant Gallimore, his application for leave to appeal is refused.

St. John
Pop
St. John
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