

C.A. CRIMINAL LAW - Gun Court. ① Illegal possession of firearms ② Shooting with intent - Identification - Police officers shot at - one of officers knew applicant before - summation impeccable - application for leave to appeal dismissed.

No case referred to

JAMAICA

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IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 115/88

BEFORE: THE HON. MR. JUSTICE CAREY, P. (Ag.)
THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MISS JUSTICE MORGAN, J.A.

REGINA vs. LEON PALMER

Application for leave to appeal

Kent Pantry and Brian Sykes for the Crown

September 22, 1988

CAREY, P. (Ag.):

In the High Court Division of the Gun Court held on the 18th and 19th of May, 1988, before Gordon, J., sitting alone, this applicant, Leon Palmer, was convicted on an indictment charging him with Illegal Possession of firearm and Shooting with Intent. He was sentenced to concurrent terms of five years and six years at hard labour. He now applies for leave to appeal his conviction and sentence.

The short facts in this case are that some police officers were on enquiry at premises in Hanna Town in the parish of Kingston on the 19th of April, 1987, at about 10 o'clock in the morning. One of the officers happened to look across the fence where he saw the applicant whom he knew before. He called out to him, whereupon, the applicant ran off.

He was chased, and in the course of that chase, the applicant fired three shots in the direction of his pursuers. The fire was returned

but the marksmanship of pursued and pursuer was conspicuous equally for the lack of accuracy.

The applicant in an unsworn statement admitted knowing one of the officers prior to the incident but he emphatically denied the incident of this shooting.

The only issue before the learned trial judge was that of identification. There was evidence that one of the police officers knew the applicant before. It was a short and simple case and we can find no fault either in his approach to the law or as to the facts. In our view, the summation was impeccable.

In the circumstances, the application for leave to appeal is refused and the Court directs that sentence given, run from the date of conviction.