

CA: CRIMINAL LAW - Gun Court - Conviction for rape
Counsel for defence states he is unable to find any point of merit
to argue - At appeal stage Counsel's view - Judge dealt with
issues fairly and adequately - Sentence eminently
justified.
[Leave to appeal refused] JAMAICA ✓ comp

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NOS. 96, 101 & 102/86

BEFORE: The Hon. Mr. Justice Carey, J.A.
The Hon. Mr. Justice Wright, J.A.
The Hon. Mr. Justice Downer, J.A.

REGINA vs. LESLIE WYNTER
CLIFFORD LIKINGS
CARLTON EDWARDS

C.J. Mitchell for Likings

Miss V. Bennett & Miss A. McKain for the Crown

May 30, 1988

CAREY, J.A.:

In the High Court Division of the Gun Court in
St. Catherine, on the 3rd of December, 1986, the three applicants
were convicted on counts for rape and sentenced to fairly long terms
of imprisonment - 15 years in respect of Likings and Edwards and
20 years in respect of Wynter. They now apply for leave to appeal
these convictions and sentences.

Mr. C.J. Mitchell who appears on behalf of the applicant,
Likings, has told us that he has carefully read the papers including
a full transcript of the evidence and he is unable to find any point
of merit to urge. We share that view of counsel.

The facts in the case are strikingly uncomplicated. On the early morning of the 7th of December, 1984, a number of men invaded the victim's house which is at Windsor Heights in St. Catherine. She lives there with her parents and another sister. First of all, these men attempted to enter the house by saying they were police men, but when that did not work they began knocking the place down, and the sister of the victim asked their mother to open the premises. Likings, the applicant, had a knife while the others, it is alleged, had guns. The allegation is that the applicant, Wynter, took the father from the house, but in the result he was not harmed. The victim was marched, really, from the house, across a gully where she was eventually stripped and raped by the applicants each in turn.

So far as the evidence of identity went, it is plain that the occupants of the house knew the three applicants over an appreciable length of time. Indeed, the victim's father knew the father of one of the applicants, viz., Wynter, for some time and had in fact assisted the applicant Wynter in the burial of his father. As is usual in these cases, the defence was alibi.

The evidence as to the circumstances of the identification was more than adequate. The girl had an appreciable length of time to see them. She was in their company for a very long time. We ourselves have read the papers with great care; we have considered the summation of the learned judge who dealt with all the issues fairly and adequately, and we can see no reason whatever to interfere in his judgment. The sentences, we feel, were eminently justified for this terrorist raid.

Accordingly, the application for leave to appeal is refused and the Court directs that these sentences begin to run from the date of conviction.