

C.R. Criminal Law Gun Court - Sanitation -
Application for leave to appeal refused

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 24/85

BEFORE: THE HON. MR. JUSTICE ROWE, PRESIDENT
THE HON. MR. JUSTICE WHITE, J.A.
THE HON. MR. JUSTICE BINGHAM, J.A. (AG.)

REGINA

VS

LOY GRAY

No Appearance on behalf of the Applicant

Mr. Courtney Daye for the Crown

June 29, 1987

ROWE P.:

This is an application for leave to appeal against conviction and sentence in the Gun Court for Trelawny.

The evidence against the applicant was that on the 3rd of January, 1985, at about 5:30 to 5:45 p.m. while it was still day-light, Violet Marshall, a Librarian, was travelling in a mini-bus on the road from Clarks Town to Jackson Town in Trelawny and that mini-bus at the time had only three people, the driver, his wife and this Librarian.

Two men stopped the mini-bus, one man had a gun and the other had a knife. The passenger, Mrs. Marshall, tried to escape from the bus and she was stopped by the man with the knife. Thereafter, she was accosted by the man who had the gun. She described the gun explaining that she knew firearms because she knows police officers who carry firearms and the firearm in the robber's hand looked like a policeman's gun.

The man who had the firearm took away her watch and he took \$10.00 from her bag. A vehicle which was approaching stopped and these two men ran away into a cane-field. Mrs. Marshall said that she had a full opportunity to observe the gunman's face and his entire body, and on the 30th of January, nearly four weeks later she went on an identification parade and she pointed out the applicant Loy Gray, as the man who had the gun and who took away her watch and her \$10.00.

The learned trial judge rejected the applicant's defence which was an alibi, accepted Mrs. Marshall as a witness of truth, advised himself on all questions dealing with identification and held that he was quite satisfied that this witness was speaking truthfully.

The Court is of the view that there is no reason for disturbing the finding of the learned trial judge as to identification of the applicant and the application for leave to appeal is therefore refused.