JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 49/87

BEFORE: THE HON. MR. JUSTICE ROWE, P.
         THE HON. MR. JUSTICE CAMPBELL, J.A.
         THE HON. MR. JUSTICE WRIGHT, J.A.

REGINA

VS.

MICHAEL FFRENCH

Mr. C. Rattray, Q.C. for applicant

Mrs. Carol Lawrence-Beswick for the Crown

May 16, 1988

WRIGHT, J.A.:

        The applicant, Michael Ffrench, seeks leave to appeal
against his conviction and sentence for illegal possession of
firearm and robbery with aggravation.

        The facts briefly are that Mr. Paul Alvaranga, the com-
plainant in the case, who lived at 32 Hyde Park Road drove home
about 4:15 a.m. on April 21, 1986 and when he went back to close
the gate he was accosted by the applicant and three others who
jumped the gate and they took him into the house where he turned
on the lights after which they ransack the place and stole items
of jewellery and household articles. He stated that the applicant
was not a stranger to him but someone whom he was accustomed to
seeing near the corner of Hyde Park and Waltham Park Roads and that
he had seen him subsequent to the robbery and had reported that
matter to the police. As a matter of fact after the robbery, he

had inquired and learned that his name was 'Reuben' and he gave that name to the police. So much so that the warrant that was issued for his arrest was issued in the name of Reuben and the police officer, after he had ascertained his correct name as Michael Ffrench incorrectly went ahead and amended the warrant by adding the name 'Michael Ffrench'.

The evidence was clear and the learned trial judge gave very careful consideration to the principal issue which was one of identification.

We have gone through the transcript with Mr. Rattray, Counsel for the applicant, but he could not advance any argument to fault the learned trial judge's treatment of the evidence. Accordingly we find no reason for interfering with the verdict or the sentence imposed. The application is therefore refused and sentences will run from date of conviction.