

C.A. CRIMINAL LAW — 2 Counts ① Robbery with Aggravation ② Larceny
in Dwelling.
Evidence overwhelming — no mention
of appeal.
Appeal dismissed.

JAMAICA

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE CRIMINAL APPEAL NO. 118/88

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

REGINA

v

MICHAEL WEBSTER

Appellant appeared in person

K. Pantry and Miss C. Malcolm for the Crown

December 1, 1988

WRIGHT, J.A.:

After several days of trial in the Resident Magistrate's Court for Manchester before His Honour, Mr. N.L.V. Sang the accused and one Lawrence were convicted on two Counts - Robbery with Aggravation and Larceny in the Dwelling. The first Count relates to the dwelling of Mrs. Donna Chin. She had left her home leaving 2 helpers there - Delores Palmer and Janet Williams and on the 11th of January this year while Delores was answering a telephone call the two men appeared and walked into the house. Lawrence was armed with a knife and the appellant with a screw-driver. They had her lead to the bedroom where they ransacked the place and they stole jewellery amounting to some \$50,000.00. Even the couple's wedding rings were stolen. Included in this Count also was the stealing of \$1,000.00 from the purse of Delores which she said was "partner money" which she had. When they were leaving they threatened her with death if she reported the matter to the police. Subsequently, on the 2nd of February, 1988 Delores Palmer identified the other accused on a parade. This accused was not on that parade.

Now, on the 18th of January the home of Mrs. Enid Silent in Mandeville was entered and again several articles were stolen - jewellery seemed to be a speciality of this group. At the home was the helper, Velma Smith and her acute sense alerted her to the presence of someone who was a stranger in the house which she reported to Mr. Cassanova who arrived at the home. He went searching with his gun and flushed Lawrence, the other accused out of the clothes closet and by that time the other person who turned out to be this accused had made good his escape. Lawrence gave the police certain information and subsequently, on the 19th of January they accosted this appellant in Spauldings and when searched he was literally loaded with jewels - several rings which were identified by Mrs. Chin and Mrs. Silent. At the trial it happened that this appellant in advancing his case insisted that a policeman try the rings on his fingers and about 5 fitted him so well that he helped to seal his own doom. In addition other items were discovered when on the 8th of February, Detective Sergeant Cowan on information given by the accused was taken to the JAMAL Building in Mandeville where a bag with jewellery was found and from them several were identified by the complainants. The defence of this appellant as well as the other was that they knew nothing at all about the charges. The evidence was overwhelming and the learned Resident Magistrate had no difficulty in finding him guilty and we agree with the finding. On the charge of robbery with violence he was sentenced to 5 years imprisonment at hard labour and 3 years on the second Count. They were made to run concurrently and this appellant is asking that his sentence should not be affected adversely. But we think this offence of entering into people's homes, intimidating the helpers and making off with thousands of dollars worth of value is the kind of offence that this Court must view with great disfavour. We think that there is no merit whatsoever in the appeal which is, accordingly, dismissed. The sentence will run from today.