

C.A. CRIMINAL LAW Gun Court - Evidence - <sup>1</sup>Blagden  
possession of firearm, wounding with intent, shooting with  
intent,  
Counsel for applicant concedes he sees no arguable ground  
Application dismissed  
JAMAICA  
No case referred to ✓ conf

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 42/88

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

REGINA

v

NEILSON MCKENZIE

Delroy Chuck for the Applicant

K. Pantry and Miss C. Malcolm for the Crown

November 28, 1988

WRIGHT, J.A.:

On the 4th of February this year in the Gun Court Division of the High Court held in Mandeville before Mr. Justice Panton, this applicant, Neilson McKenzie was convicted on an indictment charging him with Illegal Possession of Firearm, Wounding with Intent and Shooting with Intent and on the 12th of February he was sentenced to 7 years imprisonment at hard labour on each Count to run concurrently. Mr. Delroy Chuck who appeared for the applicant concedes that having perused the transcript he sees no arguable grounds and with that the Court agrees.

The facts briefly are that on the 14th of October, 1987 at Craighead in the parish of Manchester work was being distributed and the usual tension associated with the distribution of work arose. Two groups, one known as the "Terrorist" and the other as "Raggamuffin" were in contention for the jobs. Earlier in the morning, there was an incident in which the applicant was injured and apparently later returned with a group - the Terrorist Group and pointed a gun and fired at the other

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group and that is what has given rise to the charges. He denied his presence at that incident but the learned trial judge having seen and heard the witnesses and bearing in mind that the parties were well known to each other treated the matter as one of credit and not a matter of identification as such. He accepted the testimony having duly considered the discrepancies that arose in the evidence but nonetheless came to a conclusion which is well supported by the evidence and we can find no reason for disagreeing with his findings. The application is refused and the sentence will run from the date of conviction.