

C.A. R.M.C.A. JUVENILE COURT - Juvenile (aged 17) - Robbery with  
aggravation - <sup>small</sup>Supervision Order - Identification.  
- appeal dismissed  
JAMAICA ✓comp

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 99/87

BEFORE: THE HON. MR. JUSTICE ROWE, PRESIDENT  
THE HON. MR. JUSTICE CAREY, J.A.  
THE HON. MR. JUSTICE FORTE, J.A.

REGINA

VS.

NORMAN HEADLAM

Miss Nancy Anderson instructed by Crafton Miller and Company  
for the Appellant

Mr. John Moodie and Miss Donnaree Banton for the Crown

February 3, 1988

ROWE P.:

This is one of the very infrequent appeals which has come to us from the Juvenile Court from any part of Jamaica. It concerns a young man of seventeen, Norman Headlam, and the very serious charge against him is robbery with aggravation, the allegation being that on the 16th of May, last year he robbed Annette Vincent of \$190.00, when he was armed with a knife. The Juvenile Court sitting in St. Ann's Bay found him guilty and treated him as leniently as they possibly could; he was simply given a Supervision Order and for the very limited time of one year.

The allegation against this young gentleman is that there were a number of people at a bus stop in St. Ann's Bay and that the ladies would from time to time go out into the road to see if a bus which they wanted would come along. The appellant would do the same thing, and then there came a time when only three people were left at the bus stop, two ladies and himself. One lady went out into the road, leaving just himself and

one woman in the bus stop. Then the prosecution said he whipped out his knife and got \$40.00 from that lady, whispering to her not to make a sound. Then he rushed down unto the other one, menaced her at her neck with the knife and got her bag with soiled clothes, because she was coming from the hospital where she had gone to visit her boyfriend who was in hospital. There was a purse in the bag containing some \$190.00 and he grabbed the purse and ran away down to the sea.

The prosecution further alleged that two days later on the Monday afternoon at 4 o'clock the lady who was robbed of her \$190.00 was passing in a motor-car. She looked over at the bus stop, recognised the appellant standing at the same bus stop and she went and called the police. He was arrested.

At trial the defence which was raised by the appellant was that he was in the vicinity. He was approaching that bus stop and he saw somebody running off into the bushes, he saw these women crying out that they had been robbed and he was present when they were being given directions to go and report the matter to the police but he had absolutely nothing to do with the robbery. He called two witnesses, who gave evidence that they saw him in the area but they did not put him in the bus stop at the time of the robbery.

The Magistrates did not believe the appellant and his witnesses. The minds of the Magistrates were directed to the question of identification and the Magistrates quite rightly said, had the woman who did not make the original identification been given an opportunity to go on an identification parade that would have strengthened the case for the prosecution. Nevertheless, the Magistrates accepted and acted upon the evidence of the lady, who had identified the appellant at the bus stop on the Monday, two days after the robbery, and on that basis, having regard to the description which she had given of the clothes the appellant was wearing at the time of the robbery, having regard to the length of time which they had had to observe the appellant on the previous Saturday, one witness said as long as forty-five minutes, the Magistrates came

one woman in the bus stop. Then the prosecution said he whipped out his knife and got \$40.00 from that lady, whispering to her not to make a sound. Then he rushed down into the other one, manacled her at her neck with the knife and got her bag with soiled clothes, because she was coming from the hospital where she had gone to visit her boyfriend who was in hospital.

We think that there is no merit at all in the grounds of appeal argued by Miss Anderson this morning, which really went to say that since there was a purse in the bag containing some \$100.00 and he grabbed the Magistrates made the comment that an identification parade might have been helpful, that showed that they were in some doubt as to the quality of the identification evidence. We think not, and we think that that comment related only to the witness upon whose evidence they did not in the end rely.

The appeal is therefore dismissed and the conviction and sentence affirmed.

At trial the defence which was raised by the appellant was that he was in the vicinity. He was approaching that bus stop and he saw somebody running off into the bushes, he saw these women crying out that they had been robbed and he was present when they were being given directions to go and report the matter to the police but he had absolutely nothing to do with the robbery. He called two witnesses, who gave evidence that they saw him in the area but they did not put him in the bus stop at the time of the robbery. The Magistrates did not believe the appellant and his witnesses. The minds of the Magistrates were directed to the question of identification and the Magistrates quite rightly said, had the woman who did not make the original identification been given an opportunity to go on an identification parade that would have strengthened the case for the prosecution. Nevertheless, the Magistrates accepted and acted upon the evidence of the lady, who had identified the appellant at the bus stop on the Monday, two days after the robbery, and on that basis, having regard to the description which she had given of the clothes the appellant was wearing at the time of the robbery, having regard to the length of time which they had to observe the appellant on the previous Saturday, one witness said as long as forty-five minutes, the Magistrates came