

FIREARM  
CRIMINAL / appeal from Gun Court @ illegal possession of  
firearm (2) shooting with intent. Application for leave  
to appeal refused.

No case cited referred to

JAMAICA

/amp.

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 69/87

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

REGINA

VS.

PAUL RICKETTS

Applicant not represented

Miss J. Straw and Miss F. Brown for the Crown

May 24, 1988

ROWE P.:

This is an application by Paul Ricketts for leave to appeal against his conviction in the Gun Court on the 13th of March, 1987 before Mr. Justice Malcolm, when he was sentenced to imprisonment of six years at hard labour for illegal possession of firearm and to four years at hard labour for shooting with intent. The sentences were ordered to run concurrently.

The circumstances giving rise to this case arose on the 13th of September, 1984 at about 4:30 p.m. The allegation was that the complainant, Paul Grant, was walking through Arnett Gardens when he came upon the applicant and some other people. The applicant in broad daylight drew an M-16 Rifle and fired shots at and into the complainant. There were three or four incidents of shooting at the complainant and how he managed to live having regard to his account

of the shooting is a miracle. He was rescued by one of his friends who came armed with an M-16 and fired shots at the applicant to keep him away.

Paul Grant was wounded quite seriously and he spent a considerable length of time in the Kingston Public Hospital where he was treated by surgery and otherwise. On his release from the hospital he made a report to the police and that led to the arrest of the applicant.

The applicant's defence was that he had been in detention by the police at Admiral Town and on the day when it is alleged that he had shot at Paul Grant he was in fact facing an identification parade at the Police Station. He left the Police Station in the late afternoon, long after 4:30 p.m., and he never got home into Arnett Gardens until night-time. So he said, it could not have been he who had done the shooting at the complainant. He said further that he had a brother called 'Jabber', who had since been killed by the police and that the first allegation had been that it was his brother and not he who had fired at the complainant.

The learned trial Judge rejected the defence and accepted the case for the prosecution coming through the mouth of Paul Grant.

In passing sentence however, he imposed the sentence of six years for the possession of the firearm and only a sentence of four years at hard labour for what were extremely serious injuries, in circumstances in which the applicant could well have been charged with shooting with intent to murder. The sentences are on the very very low side and if the Judge is to be criticized it was for imposing such minuscule sentences for such grievous offences.

The application for leave to appeal is refused.