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**NOTICE TO PARTIES OF THE COURT'S
MEMORANDUM OF REASONS FOR DECISION**

SUPREME COURT CRIMINAL APPEAL NO 22/2017

RAVON WILLIAMS v R

TAKE NOTICE that this matter was heard by the Hon Miss Justice Straw JA, the Hon Mrs Justice Foster-Pusey JA, and the Hon Mrs Justice V Harris JA on the 29th and 30th days of January 2024, with Mrs Andria Whyte Walters for the appellant and Malike Kellier and Dwayne Green for the Crown.

TAKE FURTHER NOTICE that the court's memorandum of reasons, as delivered orally in open court on 30 January 2024, by the Hon Mrs V Harris JA, is as follows:

[1] The appellant, Mr Ravon Williams, was convicted in the High Court Division of the Gun Court by Brown Beckford J ('the learned trial judge'), sitting without a jury on 28 October 2016, for the offences of illegal possession of firearm and shooting with intent. On 13 March 2017, he was sentenced to serve five years' imprisonment for the offence of illegal possession of firearm and 17 years' imprisonment for the offence of shooting with intent. The sentences were ordered to run concurrently. On 12 April 2021, a single judge of this court granted the appellant leave to appeal his conviction and sentence.

[2] The facts, as found by the learned trial judge, were that on 3 September 2013, the complainants, District Constable Melford Innis and Constable Karl Davis, were shot at by the appellant and another man. Both men ran away after shooting at them. District Constable Innis and Constable Davis returned fire and chased after the men. Within 10 minutes of the incident, the appellant was identified by both complainants at the Kingston

Public Hospital, where he was being treated for gunshot injuries, dressed in the same clothes that he was wearing at the time the complainants were shot at.

[3] At the trial, the two major issues that emerged were identification and credibility.

[4] Based on the grounds of appeal filed, the appellant complained about the learned trial judge's treatment of the issues related to identification and credibility, as well as the admission of hearsay evidence. Before us, however, learned counsel for the appellant, Mrs Whyte Walters, admitted that the learned trial judge sufficiently addressed those issues in her summation. Accordingly, she focused her arguments on the sentence imposed for the offence of shooting with intent.

[5] The position taken by counsel Mrs Whyte Walters is well founded because, having reviewed the evidence and the summation of the learned trial judge, we are of the view that she adequately directed herself on the material issues that arose during the trial. In particular, when she assessed the identification evidence, the learned trial judge accurately warned herself in keeping with the well-known principles outlined in **R v Turnbull and another** [1976] 3 All ER 549. Therefore, we have found no merit in the appeal against conviction.

[6] Regarding the sentences that the learned trial judge imposed, no complaint was made about the sentence given for the offence of illegal possession of firearm, which was five years' imprisonment and at the lower end of the range of sentences usually imposed for offences of this nature. However, it was submitted that the sentence of 17 years' imprisonment for the offence of shooting with intent was manifestly excessive. We disagree.

[7] The learned trial judge properly considered the four principles of sentencing and all the relevant factors in arriving at that sentence, which, in our judgment, falls within the normal range of sentences imposed for such offences.

[8] However, in keeping with the principle in **Callachand and Another v The State of Mauritius** [2008] UKPC 49 (a decision of the Privy Council, which has been applied in several authorities from this court such as **Meisha Clement v R** [2016] JMCA Crim 26, **Daniel Roulston v R** [2018] JMCA Crim 20 and the recent decision of **Clayton Williams v R** [2023] JMCA Crim 35), that a defendant who is being sentenced is entitled to be given full credit for any time spent in pre-sentence remand, we have found that the learned trial judge, while indicating that she had taken into consideration the four months that the appellant had spent in pre-sentence custody, failed to demonstrate that there had been a deduction of this period before arriving at the sentence she imposed for the offence of shooting with intent.

[9] Therefore, the order of the court is as follows:

1. The appeal against conviction is dismissed.
2. The appeal against sentence is allowed in part.
3. The sentence of five years' imprisonment for the offence of illegal possession of firearm is affirmed.
4. The sentence of 17 years' imprisonment for the offence of shooting with intent is set aside and substituted therefor is a sentence of 16 years and eight months' imprisonment, having taken account of the pre-sentence remand of four months.
5. The recommendation that the appellant receives psychiatric treatment as required while incarcerated is affirmed.
6. The sentences shall be reckoned as having commenced on 13 March 2017, the date on which they were imposed.