

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 153/89

COR: THE HON. MR. JUSTICE CAMPBELL, J.A.
THE HON. MR. JUSTICE FORTE, J.A.
THE HON. MR. JUSTICE GORDON, J.A. (AG.)

R. v. HUBERT LAWRENCE

Application for leave to appeal

Miss C. Malcolm for Crown

4th June, 1990

GORDON, J.A. (AG.)

On the 24th of October, 1989 the applicant was convicted in the Manchester Circuit Court for the offence of burglary and larceny and was sentenced to imprisonment at hard labour for 10 years.

These are the facts on which the conviction is based.

On the night of the 23rd March, 1989 Mrs. Cassetta Shaw's home at Job's Lane in the parish of Manchester was burglaried and money U.S. currency and Jamaican currency amounting to \$9,000.00 was stolen therefrom. Entry was gained through a hole in the roof. On the 18th of April, 1989 the applicant was held by Cons. Johnson. On him were found one United States Twenty Dollar bill, one United States Ten Dollar bill and one, one dollar bill. Each bill bore the name of the complainant written on them by her and they were identified and claimed by her as having been among moneys stolen from her home. When he was asked by the arresting officer, where he got the currency he said "I mi sister

a town gi me them."

In his defence the applicant said he did not break and enter the complainant's home nor did he steal therefrom, at the time of his arrest he said the currency notes claimed by the complainant were not in his possession.

The issues before the jury were simple indeed and on the facts the jury had no difficulty in arriving at the conclusion of the guilt of the accused. The learned trial judge gave adequate directions and there is nothing in this appeal. The application is accordingly refused, conviction and sentence affirmed the sentence is ordered to commence on 24th January, 1990.