

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO: 129/93

COR: THE HON MR JUSTICE RATTRAY, P
THE HON MR JUSTICE WRIGHT J A
THE HON MR JUSTICE FORTE J A

R v DELROY DENNIS

Hugh Wildman for Crown

Applicant unrepresented

26th July & 24 October, 1994

FORTE J A

The applicant was convicted in the St. James Circuit Court on the 9th December 1993, for non-capital murder and sentenced to life imprisonment with an order that he should not be eligible for parole, until he has served fifteen (15) years imprisonment. On the 26th July 1993, when the application came before us, in the absence of an Attorney for the applicant, and Crown Counsel having indicated, correctly in our view, that there were no arguable points in the application, we refused the application for leave to appeal, and promised then to record our reasons briefly. This we now do.

The facts and the issues raised in the case were very simple.

Samah Samuels, died as a result of injuries received at the hand of the applicant on the 27th April, 1993. His death resulted from internal haemorrhage caused by a ten centimetre laceration which extended from just above the occiput to the frontal bone on the left side of the scalp, penetrating the brain. In proof of its case, the crown relied on the evidence of Cleveland Reid an eyewitness. He was at a shop in the village square of Mocno at about 7.00 p.m. The deceased was also there, standing at the door of the shop, and having "heated" words with the applicant who was then inside the shop. The deceased had asked the applicant for his axe. The applicant denied that he had an axe for the deceased, whereupon the