

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 200/02

**BEFORE: THE HON. MR. JUSTICE PANTON, J.A.
THE HON. MR. JUSTICE COOKE, J.A.
THE HON. MR. JUSTICE HARRISON, J.A**

ANTHONY JOHNSON

V.

REGINA

Mr. Robert Fletcher, for the applicant.

**Miss Paula Llewellyn, Senior Deputy Director of Public Prosecutions for
the Crown.**

November 13, 2006

Oral Judgment

PANTON, J.A.

1. In this matter, the applicant was convicted on the 9th October, 2002 before Mr. Justice Pitter, sitting in the Circuit Court for Parish of St. Ann. He was sentenced having been convicted of non capital murder. He was sentenced to life imprisonment and ordered to serve 25 years before becoming eligible for parole. The circumstances have been outlined and they will not be repeated. They have been outlined by the learned Senior Deputy Director of Public

Prosecutions. The prosecution relied on a confession or admission made by the applicant to two (2) individuals who were co- prisoners with him.

2. The main question was really, whether the witnesses Levi Jones and Michael Bennett were speaking the truth as to what the applicant is supposed to have told them; in that, he had indicated that he had robbed the deceased of Two Hundred and Fifty Thousand Dollars (\$250,000.00), hid it in an old coal kiln and that he had used a stone to kill the deceased.

3. The learned trial judge gave adequate and appropriate directions to the jury as to how they were to consider this evidence, having been given by persons in custody, as having come from the applicant. It is clear the jury believed that the applicant made the necessary statements and that those statements were true and there was no hint of any inducement or any pressure – violent or otherwise – being applied to the applicant to make the statements. So convinced were the jury, that what had been told by the witnesses was true, that it took them no more than 34 minutes to return this verdict of guilty.

4. In the circumstances, the learned attorney for the applicant having indicated that he sees nothing on the transcript to warrant a pursuit of the application with any vigor, and the learned Senior Deputy Director having indicated that she also saw nothing on the transcript to warrant any leave being granted to apply to the Court to see if the verdict of the jury could be disturbed, and having ourselves examined the evidence and the summation, we are at one

that this application has absolutely no merit and that learned counsel for the applicant did the right thing in indicating to the Court that he and others who considered the transcript with him saw nothing in it.

5. In the circumstances, the application for leave to appeal is refused and the sentence that was imposed is to commence as of January 9, 2003.