

**JAMAICA**

**IN THE COURT OF APPEAL**

**SUPREME COURT CRIMINAL APPEAL NO 98/2012**

**BEFORE: THE HON MR JUSTICE PANTON P  
THE HON MISS JUSTICE PHILLIPS JA  
THE HON MRS JUSTICE McDONALD-BISHOP JA (AG)**

**LOGAN NELSON v R**

**Applicant unrepresented**

**Miss Paula Llewellyn, QC, Director of Public Prosecutions and Mrs Lori-Anne Cole-Montaque for the Crown**

**9 February 2015**

**ORAL JUDGMENT**

**PANTON P**

[1] The applicant Mr Logan Nelson was convicted on 21 August 2012 by Frank Williams J, sitting in the High Court Division of the Gun Court, for the offences of illegal possession of firearm and wounding with intent. The convictions were recorded on 23 August 2012 when he was sentenced in respect of the illegal possession of firearm to seven years imprisonment and in respect of the wounding with intent to 15 years imprisonment. Both sentences were ordered to run concurrently. The applicant now seeks leave to appeal against his convictions and sentences.

[2] The facts as noted by the judge are that the applicant and the complainant were well-known to each other in that the applicant had an intimate relationship with the daughter of the complainant, Paulette Wright. However, that relationship seemed to have soured and on 10 July 2011, the applicant in broad daylight went to the home of Miss Wright at Payne Avenue, armed with a gun. Miss Wright and two other persons were standing along the pathway outside her home when they were approached by the applicant. He told the other persons standing beside Miss Wright to move away and then he proceeded to address her, “[h]ey gal a long time you fi dead you know”. He then proceeded to fire three shots from the firearm that he was carrying. The bullets hit Miss Wright in her side and back. He then calmly walked away.

[3] While the applicant was walking away, Miss Wright’s son appeared on the scene and protested. The applicant pointed his firearm at them and they ran away. His defence was an alibi, in that, he was not at the scene but, at the same time, not far away from where the incident occurred. He said, he himself had heard when the shots were being fired.

[4] The learned trial judge, as found by the single judge of appeal, had before him these competing versions and he believed Miss Wright as a honest, convincing and reliable witness. The single judge of appeal saw no reason to disturb the conviction and we ourselves having reviewed the circumstances and having reviewed the summation by Williams, J see no fault that we can ascribe to him in respect of his reasoning and conclusion. We note, that given the circumstances, the sentences may well be described as light, as the applicant is one who is not a stranger to being convicted in that, in 2003, he was convicted and fined for the offence of simply larceny and in 2004,

he was convicted of the offence of robbery with aggravation which earned him a mere three months imprisonment.

[5] In the circumstances, we cannot see anything that is excessive about the sentences imposed. He is fortunate to have committed such an act in the presence of witnesses, in broad daylight on an unarmed female and end up with only 15 years. The application for leave to appeal is refused and the sentences are ordered to run from 23 August 2012.