

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 176/72

B E F O R E : The Hon. Mr. Justice Fox, Presiding
The Hon. Mr. Justice Robinson
The Hon. Mr. Justice Gramnum

R. v. WINSTON WILLIAMS

Mr. Martin Wright, Q.C., Dep. D.P.P. for the Crown
Mr. Norman Wright for the appellant.

15TH JUNE, 1973

ROBINSON, J.A. (Ag.)

On the 31st of October, 1972, the appellant, Winston Williams was convicted on an indictment containing three counts - assault with intent to rob with aggravation with certain other person unknown being armed with guns, a man by the name of Sydney Barnes, also shooting at Sydney Barnes with intent to do him grievous bodily harm, and the third charge was wounding with intent to do grievous bodily harm - sentence amounted to 8 years hard labour.

In this case his application for leave to appeal against conviction was granted by a single judge on the 6th of April, this year.

One of the main grounds of appeal is that the evidence as to identification was not strong enough to support the conviction. With this we agree having gone through the summing-up in relation to this particular ground of appeal. The judge himself seemed to have come to that conclusion when he said that: "it appeared to me that the identification in the case is very poor."

In our view the evidence is incapable of establishing the identification of the accused man, and this goes to the root of the charges, and therefore the appeal is allowed, conviction quashed and the sentences set aside.

ROBINSON, J.A. (Ag.)
CORNER, GENERAL
CHAMBERS

OCT 24 1973

GRAND CAYMAN B.W.I.