

31 1970

IN THE PRIVY COUNCIL

No. 4 of 1970

ON APPEAL
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N

SIGISMUND PALMER

Appellant

- and -

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

UNIVERSITY OF LONDON
INSTITUTE OF ADVANCED
LEGAL STUDIES
6 - DEC 1971
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LONDON W.C.1

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RECORD OF PROCEEDINGS

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ON APPEAL
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N

SIGISMUND PALMER

Appellant

- and -

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

No. 1

In the Supreme
Court

10

Indictment

No. 1

The Queen v. Sigismund Palmer
In the Supreme Court for Jamaica
In the Circuit Court for the parish of Saint Ann

Indictment
8th October
1968.

IT IS HEREBY CHARGED on behalf of Our Sovereign
Lady the Queen:

Sigismund Palmer is charged with the following
offence :-

STATEMENT OF OFFENCE

Murder

20

PARTICULARS OF OFFENCE

Sigismund Palmer on the 14th day of May 1968
in the parish of Saint Ann, murdered Cecil Henry.

(sgd)

for Director of Public Prosecutions,
8th October, 1968.

In the Supreme
Court

No. 2

Proceedings

No. 2

Proceedings
11th December
1968.

CROWN COUNSEL (MR. KERR): May it please you, m'lord, in this case myself and Mr. Chambers appear for the prosecution and my learned friend, Mr. W.A. Roper, for the accused man.

HIS LORDSHIP: This is Sigismund Palmer?

CROWN COUNSEL: Yes, m'lord. I propose to empanel the jury in this case.

REIGSTRAR: Sigismund Palmer, on the 28th October 10
this year you pleaded not guilty to an
indictment charging you with murder on the 14th
of May this year. Are you still pleading not
guilty?

ACCUSED: Not guilty, sir.

REGISTRAR: Now the names you are to hear called are
the names of the jurors who are to try you.
If, therefore, you wish to object to them or
any of them you must do so as they come to the
book to be sworn and before they are sworn and 20
you will be heard.

No. 5	Clive Betton	Sworn	
No.78	Martin Taylor	Sworn	
No. 2	Percival Bryan	Sworn	
No.62	Carol Parsons	Challenged by Crown	
No.74	Elexis Scarlet	Challenged by Crown	
No. 4	Theodore Brown	Challenged by Crown	
No.38	Edgar Harrison	Sworn FOREMAN	
No.26	Kenneth Dillon	No answer	
No.72	Lloyd Stewart	Sworn	30
No.30	Lloyd Ferguson	Sworn	
No.24	Vivian Cover	Challenged by Defence	

No.29	Beryl Finigan	Challenged by Defence	In the Supreme Court
No.41	Leslie Heath	Sworn	<u>No. 2</u>
No.75	Herbert Trewick	Challenged by Crown	Proceedings
No.77	Vincent Thompson	Sworn	11th December
No.67	Edwin Shirley	Sworn	1968.
No.53	William McDonald	Sworn	(continued)
No.21	Vincent Kerr	Sworn	
No.17	Ronald Coombs	Sworn	

10 REGISTRAR: Members of the jury, please elect a foreman among your number. Your name is Edgar Harrison, foreman. Members of the jury, the prisoner stands indicted with murder, for that he on the 14th day of May, 1968 in the parish of St. Ann murdered one Cecil Henry. To this indictment he has pleaded not guilty and it is your charge to say, having heard the evidence, whether he be guilty or not.

P R O C L A M A T I O N

CROWN COUNSEL. (Addresses the Jury)

No. 3

Granville Fearon

GRANVILLE FEARON: SWORN

EXAMINATION BY CROWN COUNSEL, MR. KERR.

Q: Where is Henry? A. Henry is not here, sir.

Q. Was he here this morning at all? A. No sir.

Q. You live near to him? A. No sir.

MR. KERR: He is going to be long, m'lord.

HIS LORDSHIP. Who?

MR. KERR. This witness.

HIS LORDSHIP. How is it going to affect, if you start like this?

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(continued)

MR. KERR. M'lord, I don't want to waste the jurors' time. If your Lordship thinks it will be more prudent to have it in chronological order....

HIS LORDSHIP. I think it is always better especially in a matter that will last for sometime.

MR. KERR. I had a list of the absent witnesses but Henry was not on the list.

HIS LORDSHIP. Will he be here tomorrow? 10

MR. KERR. I understand that - yes - the majority of them will be here tomorrow.

HIS LORDSHIP. What about the two witnesses?

MR. KERR. Well one is coming from Alparte in St. Elizabeth. The other man is here but I don't propose to call him today.

HIS LORDSHIP. It is ten to three now. Mr. Roper, would you wish to wait until tomorrow morning? Rather than starting in the middle of the case here, would you prepare to - we take the adjournment now and start tomorrow morning? 20

MR. ROPER. I have no objection. The only thing as I see it, and for proper understanding of the matter, although I would not venture to direct how the matter should be prosecuted, I thought it would be best that the Wilsons be taken first. In any case the matter will resolve itself later on but it might cause too much thinking and so I say to call a witness like this, m'lord - but I have no objection to the matter being taken tomorrow morning. 30

HIS LORDSHIP. A rather short witness we could dispose of - Corporal Hinds.

MR. KERR. That would be inconvenient.

HIS LORDSHIP. In any case the witness would not be concluded this evening

MR. KERR. It would not break the back of the examination in any way.

HIS LORDSHIP. Perhaps we better, at least, make a start then. What is your name?

WITNESS: Granville Fearron, m'lord.

CROWN COUNSEL. Now, is your name Granville Fearron? A. Yes sir.

Q. Mr. Fearron, you have to speak up because all these jurors here want to hear what you are saying. Are you a farmer? A. Yes sir.

10 HIS LORDSHIP. Speak up, Mr. Fearron. It is most essential in this case that we hear every word that you say.

CROWN COUNSEL. Do you live at Simm's Run in the parish of St. Ann? A. Yes sir.

Q. Do you know Dahlia Campbell? A. Yes sir.

Q. Do you know where she lives? A. Yes sir.

Q. Does she live at Simm's Run? A. Yes sir.

Q. About how far is her home from yours? A. about two miles sir.

20 Q. Now, do you remember Tuesday, the 14th of May, 1968 this year, Tuesday afternoon?
A. Yes sir.

Q. Where were you? A. At my field.

HIS LORDSHIP. What date? A. Tuesday, the 14th of May this year.

CROWN COUNSEL. And where is your field?
A. At Simm's Run.

HIS LORDSHIP. You must speak up, man. Where you say your field is? A. Simm's Run.

30 CROWN COUNSEL. How far from Dahlia Campbell's home? A. About two miles.

Q. Now, whilst you were in your field did you notice anything? A. Yes.

Q. What? A. At mi field I saw three man running pass.

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(Continued)

Q. Where were they running? A. Running from
Simm's Run going in the lands.

Q. Coming from Simm's Run going where?
A. Higgin land.

Q. From where they were coming how is that in
relation to Dahlia Campbell's home; toward her
home or away from her home? A. From Dahlia's
home?

HIS LORDSHIP. Direction from Dahlia's home?
Did you say it was the direction from her home? 10
A. Yes sir.

CROWN COUNSEL. And where were they running, on
the road, in the bush or where? A. On the
road.

Q. And about what time was it that you saw them?
A. Around 4.30 p.m. sir.

Q. Did you notice if the men had anything with
them? A. Yes sir.

Q. What? A. Palmer did carry a short gun in his
right hand, sir and a bag over his back. 20

Q. Who, which one? A. Palmer, sir.

Q. He was one of them? A. Yes sir.

Q. And what you said he had? A. A gun in his
right hand and a bag over his shoulder.

Q. What sort of a gun? A. A short gun, sir.

Q. What about the others? A. The other two, sir?

Q. Yes. A. One next one of them carry a next bag
and one carry a handbag over his shoulder.

Q. Now, did they pass you in your field? A. Yes
sir. 30

HIS LORDSHIP. Only the one gun you saw? A. Yes
sir, is only the one.

CROWN COUNSEL: And when they passed you - what
is the nearest point they came to you when
they passed you? You are in your field and they

pass you on the road; what is the nearest they got to you when they passed you?

A. They passed me about a chain. I did about a chain from the road sir.

Q. I see. Would you point out to the jurors about what you consider a chain? Like you are in your field there now, about where you say they passed you? Point it out.

HIS LORDSHIP. You are standing in your field.

10

Show us how near they passed you.

A. About from here to the wall there (Witness indicates)

CROWN COUNSEL. Now, after they passed did anyone else come along that road? A. Yes sir.

Q. Who? A. I saw Fedley Brown and Augustus Johnson and Boogsie.

Q. Augustus Johnson and who, Boogsie?
A. Yes sir.

Q. Anybody else? A. And Selvin.

20

Q. And what direction they came from?

A. Coming from the other road sir. Coming from Dahlia Campbell's home, sir.

Q. And when they got to you were the three men who were running out of sight? You could still see them? When the four men come up, Augustus, Fedley and two other men? A. That time they run out of my sight.

30

Q. Now, did you do anything when you saw the four men come up now? Did you remain in your field?

A. No sir.

Q. What you did? They spoke with you? A. No sir.

Q. Augustus and Fedley, did they speak with you?
A. Yes sir.

Q. After they speak with you did you do anything?
A. Yes sir. Me and them start to travel, sir.

Q. Now in what direction did all of you travel?
A. Travel from St. John coming to Higgin Land, sir.

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(continued)

- Q. Is that a different direction from where the men went or is it the same direction as these men ran? Is it the same direction?
A. The same direction.
- Q. Do you know a Miss Gilzene? A. Yes sir.
- Q. Does she live on that road? A. Yes sir.
- Q. Did you pass Miss Gilzene's gate? A. Yes sir.
- Q. And did you continue on the road? A. Sir?
- Q. You continued after you passed Miss Gilzene's gate? You go on after you pass Miss Gilzene's gate or you stopped? A. We went to Bugger Hill. 10
- Q. Now you know Cecil Henry, the deceased, the man that got killed? A. Yes sir.
- Q. Did you see him that day? A. Yes sir.
- Q. Where you saw him? A. I saw him at Bugger Hill, sir.
- Q. Now at Bugger Hill, what happened? What did you do, and the others, what did you do?
A. Me and them went to Bugger Hill. 20
- Q. Now, did you keep on the road at Bugger Hill. Did you keep on the road at Bugger Hill? Were you still on the road? A. No sir, we turn off.
- Q. Where did you turn off the road? A. At Bugger Hill.
- Q. And where were you going when you turned off? Why you turned off, why? A. I turn off, sir?
- Q. Yes. A. After I go up Bugger Hill?
- Q. Where were you going? What all of you were doing? A. Look fi the men. 30
- Q. Which men? The three men? A. Yes sir.
- Q. Now when you were going on now, anyone with you after you turned off? A. What?

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Court

Q. Anybody with you after you turned off at Bugger Hill? A. No sir.

Q. You alone? A. Yes.

Prosecution
Evidence.

Q. Where was Cecil Henry? A. That time, when I went to Bugger Hill I saw Henry.

No. 3

Q. After Bugger Hill, what happened to Henry? A. Me and Henry going on.

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Fearon.

Q. Anybody else with you and Henry, was it two of you? A. And Joseph Lawrence.

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10 Q. Three of you going on? Do you know where Fedley Brown and Augustus Johnson were at that time? Were they with you or with another set? A. They were with a next set, sir.

(continued)

Q. Now, after you turned off the road what sort of place was this, level land or what? A. Going up a hill.

Q. And while you were going up the hill did anything happen? A. Yes sir.

20 Q. What? A. When we going up the hill sir - when we going up the hill we catch Henry on the hill top.

HIS LORDSHIP. And what, you started to travel? A. Yes sir.

HIS LORDSHIP. And you heard what? A. I heard the gun uproar.

CROWN COUNSEL. Was it one uproar or more than one? A. More than one.

Q. About how many? A. What?

30 HIS LORDSHIP. How many? A. Before I turn up to Bugger Hill I hear two and after I went up the hill I hear three

CROWN COUNSEL. After you heard the three anything happened to Henry? A. Yes sir.

Q. What? A. Same as me and Henry go in I hear another one.

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(continued)

Q. You heard one explosion, you mean? A. Yes sir.

Q. Did you know from what direction the sound came? A. Yes sir.

Q. Did you look? A. Yes sir.

Q. Now after the first ball, you said, what happened? A. After the first ball sir, after I hear the first ball I lie down and the second upholster I see Henry drop.

Q. Did you look in the direction from which you heard the ball? A. Yes sir. 10

Q. Did you see anybody? A. Yes sir.

Q. Whom you saw? A. I saw Palmer and the two other men.

Q. How far were they from you? A. About from here to where Palmer is, sir.

HIS LORDSHIP. Like from here to where? A. From about - from where me is to where Palmer is, sir.

CROWN COUNSEL. The accused, this man? A. Yes sir. 20

Q. About five to six yards. Did you notice anything about any of them when you saw them? When you heard the explosion and you looked and saw the three men, did you notice anything about them? A. Yes sir.

Q. What? A. The three of them sit down together and Palmer hold the gun in his hand.

Q. How he had it? A. He had it in his hand same way. 30

Q. Where was the gun pointed? A. To where me and Henry was.

Q. Now - at the time of the explosion, how near were you and Henry walking? A. About where me de to where you is sir.

- Q. Were you walking side by side or one behind the other? A. Side by side, sir, but he was a little step before.
- Q. In front or behind? A. In front.
- Q. Side by side but he was a little in front of you. Now you say you saw Cecil Henry drop. Did you notice anything about him? A. After him drop, sir?
- Q. Yes. A. Yes.
- 10 Q. What? A. I saw him bleeding behind his left eye.
- Q. How he looked to you? How he looked to you when he fell down? A. He dropped on him back and die, sir.
- Q. So when that happened, did you do anything or say anything? A. Yes sir. When I see him drop and the blood start leak out I hold him hand and call three times and I never hear any sound and I bawl out.
- 20 Q. Could the three men hear you when you bawled out, from where they were? A. The other three men, sir?
- Q. Yes. A. Yes sir.
- Q. What you bawl out? A. I tell them that they shoot Henry, sir.
- Q. And when you shouted, now, what happened? A. When me shout out them let go another bullet and it go in a maiden plum tree.
- 30 HIS LORDSHIP. Let go another bullet and what? A. It go into a maiden plum tree.
- CROWN COUNSEL. And what happened after that? A. After they out of the hill sir.
- Q. When they ran out of the hill did you do anything? A. Yes sir, I ran out back a them same time, sir.
- Q. Yes, and when you were running were you doing anything? A. I running and call, sir.

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(continued)

Q. Did you run for any distance at all?
A. Yes sir.

Q. And while you were running did anybody join you? A. Well me run about a three quarter mile stop, George Parrier and Joseph Lyon join me now, sir.

Q. They catch you up? A. Yes sir, them run come catch me up.

HIS LORDSHIP. Who? A. Joseph Lyons and George Parry, sir.

10

CROWN COUNSEL. Now while you were running behind there did any of the men say anything - or say anything to you? A. Yes sir.

Q. Do you know which one spoke? A. Yes sir.

Q. Who? A. Palmer, sir.

Q. The accused man? A. Yes sir.

Q. Do you remember what he said? A. Yes sir.

Q. What he said? A. Him tell we that he scale them too first.

Q. Were Lawrence and Parris with you when he spoke? When he spoke and tell you that, where were Lawrence and Parris? Were they with you? A. Yes sir.

20

Q. What he said? A. He said he scaled them two first and if them don't have more ball them have dagger - no more ball lef, them have dagger.

Q. And when he spoke how far was he from you when he told you that? A. About from here to where Palmer is.

30

Q. At that distance he told you that? A. Yes sir.

Q. When he spoke to you did you do anything? A. Yes sir, after him tell we that, sir, we afraid and we turn back.

Q. All of you? A. Yes sir.

- Q. And where was this spot that you turned back? You know where it is? It has a name?
A. Them call there 'Friends' sir.
- Q. And how far was it from Bugger Hill where Henry got shot? A. About a four mile, sir.
- Q. Now did you know any of the three men before that day? A. No sir.
- Q. Now, the three men that you saw, were they all of the same size? A. No sir.
- 10 Q. Would you tell us about that? A. Two taller than one and one taller than two.
- Q. Who was the shortest? A. He was the shortest.
- Q. Now on the 12th of June, you see, did you go to Kingston to an identification parade?
A. Yes sir.
- Q. On the 12th of June, this year; were you able to point out the accused at the parade?
A. Who sir?
- Q. Palmer? A. No sir.
- 20 Q. You attended another parade in which there was Wilson, the other man, George Wilson?
A. Yes sir.
- Q. Speak up, please. You pointed out Wilson?
A. Yes sir.
- Q. As what? He was what when you pointed him out? A. He was one of the men, sir.
- Q. Are you sure that this is the man with the gun? A. Yes sir.
- 30 Q. How many guns you saw that day? A. Only one sir.
- CROWN COUNSEL. M'lord, this may be a convenient time.
- HIS LORDSHIP. See that everybody who you know in this case is here tomorrow. Members of the jury, we will stop here for this evening. I must ask you not to discuss the case with

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(continued)

Cross-
examination.

anyone or allow anyone to approach you about it at all. As a matter of fact it is too early even to have any discussion amongst yourselves.

CROSS-EXAMINATION by Mr. Roper

- MR. ROPER. Now, you said you were in your field when you saw three men ran past? A. Yes sir.
- Q. Now, how far was that from Dahlia's house?
A. About a two mile, sir.
- Q. Your field is about two miles from Dahlia's house? A. Yes sir. 10
- Q. And the men, they ran fast? A. Yes sir.
- Q. And they were about a chain from you on the road? A. Yes sir.
- Q. Now, between your field and the road there are trees and bushes? A. Yes sir.
- Q. So, I suggest you were not able to see the three men quite clearly? A. Yes, sir.
- Q. Now, you said that you saw two crocus bags, the men were carrying two in all, two crocus bags? A. Yes, sir. 20
- Q. And the other bag, what type of bag was that?
A. It was a handbag over the shoulder.
- Q. Who was carrying the handbag? A. That man what don't dey here, sir.
- Q. Now, this man, you said he carried what, a crocus bag? A. Yes sir.
- Q. A crocus bag? A. It is a bal ing bag him carry.
- Q. That is what you call a crocus bag? A. (No answer.) 30

Q. Is it the same thing as a crocus bag?
A. Yes, sir.

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Q. And you are sure he was carrying a crocus bag? A. Yes, sir.

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Evidence.

Q. Now, you gave a statement to the police in this case. You gave a statement to the police in this case? A. Yes, sir.

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HIS LORDSHIP. Speak up, please.

Cross-
examination.

10 MR. ROPER. Now, you didn't tell the police that you saw this man with a gun, in your statement? A. Yes, sir.

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(continued)

Q. You did? A. Yes, sir.

Q. When, when, when did you tell the police that? Let me ask you this, you remember giving evidence in Browns Town at the preliminary enquiry, you remember that? A. Yes, sir.

Q. And it was read over to you and you signed it? A. Yes sir.

20 Q. You remember saying then that you never told the police that the accused man, Palmer, here, had a gun; you remember telling the court that in Browns Town? A. Yes, sir.

Q. So do you now say then that you never told the police that the accused had a gun? You remember you said that in Browns Town? A. Yes, sir.

30 Q. So, are you changing that now or what? I am putting it to you again you never told the police that the accused had a gun. A. Do what, sir?

Q. You never told the police that the accused had a gun. A. Yes, sir.

Q. But you said in Browns Town that he had no gun? A. Yes, that he have the gun sah.

HIS LORDSHIP. Where is that?

MR. ROPER. That is page 21, M'lord, at the very

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Cross-
examination.

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(continued)

end, the last paragraph.

Q. Now, just let me ask you one more time. Now, you remember in Browns Town you gave evidence? Yes sir.

Q. And you remember saying then that you never told the police that the accused had a gun? A. Yes, sir, I told him that.

Q. And you never gave, in your statement, any description of the accused man, you remember saying that, that you never gave any description of the accused? A. (Witness does not answer.)

10

Q. Right, isn't that so? A. I don't understand you, sir.

Q. You never described the man to the police. A. Do what, sir?

HIS LORDSHIP. Which man?

MR. ROPER. The accused man. A. Don't understand you, sir.

Q. This man we call the accused man. You understand, Palmer, that is the accused man. You never gave any description of Palmer to the police? A. Yes, sir.

20

Q. You did? Did you? A. Yes, sir.

Q. You remember saying that you never gave any description of the - Palmer, to the police? A. Yes sir.

Q. You remember saying that? A. Yes, sir.

Q. At the preliminary enquiry in Browns Town didn't you say that you never gave a description of Palmer to the police? You remember saying that? You understand what I mean by description? A. No, sir.

Q. Well, don't answer if you don't understand. When I say 'description' I mean telling the police what he looks like and that sort of thing. What he looks like. You never told the police what he looks like? A. What he

looks like, sir?

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Court

HIS LORDSHIP. Did you describe how he looked; tall, short, black, white, what clothes he was wearing and all that sort of thing? Did you describe him to the police? A. Yes, sir, a tell him what clothes him did have on, sir.

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MR. ROPER. Mek him know what clothes? A. Yes, sir.

Cross-
examination.

10 Q. Now, when Cecil Henry got shot. A. Yes, sir.

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Q. Just then, did you see the three men?
A. Yes, sir.

(continued)

Q. Were they near together or far apart?
A. About from here to the box, sir.

Q. The three of them were they near together?
A. Yes, sir.

Q. At the time when you say Palmer fell?
A. Yes, sir.

Q. They were near together? A. Yes.

20 Q. When you say near together, they were bundled together? A. Yes, sir.

Q. At that time? Do you know a man from Higgin Land by the name of Palmer? Any other Palmer from Higgin Land? A. Yes, sir.

Q. There is another Palmer? A. (No answer.)

Q. Was he among the parties that were chasing the men in the hills? A. No, sir.

30 Q. Did you hear someone say, while you were in the hills, "Palmer, come and bring your gun" or words to that effect? A. No, sir.

Q. Never heard that? A. No, sir.

Q. When you were chasing the men, when you were on the hills did you know that they had ganga with them? A. No, sir, I only see them with them bag, I could not tell you what was in the bag.

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(continued)

Q. Did you feel that they had ganga with them?
A. No, sir.

Q. Let me ask you this, do you know that
Simms Run is a place for that, cultivate a
lot of ganga? A. No, sir.

Q. You are not aware of that? A. No, sir.

Q. Now, did Dahlia - did you see Dahlia that
day, Dahlia Campbell? A. On that day, sir?

Q. Yes. A. No, sir.

Q. Didn't see her at all? A. No, sir.

10

Q. Now, let me just take you back here. Now,
at the identification parade in Kingston
you were unable to identify Palmer, the
accused? A. No, sir.

Q. You didn't identify him? A. No, sir.

Q. And I take it you didn't identify him
because you had never had a good look at him
at all, never? A. When him did do the act
him did mauga away, sir.

HIS LORDSHIP. I haven't got that. Speak up for 20
me and repeat it. When him did do the
act, what? A. When him did shoot Henry and
I went to the police station him did mauga
'way.

HIS LORDSHIP. Oh, him did mauga down? A. Yes,
sir.

MR. ROPER. But you see, I thought you would try
to identify a man by his face since you saw
him so close. You were looking for a man
of a certain size or you were looking for a 30
man's face at the identification parade
when you went to the identification parade,
you see? A. Yes, sir.

Q. Were you trying to point out a man by his
face or by his size? A. By his face, sir.

Q. By his face? A. Yes, sir.

Q. Then, you saying that his face maugaad away

too? A. Yes, sir.

Q. A man's face? A. Yes, sir.

Q. You see, I am putting it to you that the only reason why you say that this is the man who had the gun is because you see him here standing trial. A. Do what, sir?

Q. I am saying that why you say that this man shot Henry is because he is in the box here today. A. Him shoot Henry, sir.

10 Q. In other words, bring any other person and you see him there you would say that it is the man. A. Say what, sir?

Q. If there were somebody else in the box instead of Palmer you would say that is the man. A. No, sir, Palmer same one.

Q. That is why you could not identify the person at the parade? A. (Witness does not answer.)

20 Q. Now, how many shots in all you heard fired that day? A. When I heard I hear two and when I went to the...

HIS LORDSHIP When what? A. When I dey a level I hear two.

HIS LORDSHIP. What about the other three. A. And when me dey 'pon rise, sir, me hear the other three.

MR. ROPER. Now, the first two, did they fire one after the other or, some long time pass between? A. No, sir, after one another.

30 Q. And the last three? They fire one after the other or time pass between? A. After one another, sir.

Q. Right after one another? A. Yes, sir.

Q. Now, from you were on the level you said you heard two shots? A. Yes, sir.

Q. About how far were you from where the sound came from at that time? You saw any smoke

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(continued)

- or anything? A. When the gun fire, sir?
- Q. Uh, uh! A. You mean how far me 'tan and hear that? No, sir.
- Q. Now, everybody was carrying - all the groups were carrying sticks and machetes and all that? A. No, sir.
- Q. But from you were on the level you knew or thought that the men had gun? A. Yes, sir.
- Q. And you are saying that your group approaching these gunmen without any sticks or machetes or any weapons at all? A. Do what, sir. 10
- Q. You heard gunshots? A. Yes, sir.
- Q. And you decide to chase the men although you felt they had gun and you are saying you went emptyhanded? A. If is me empty hand sir?
- Q. Uh, uh! A. No, sir, I did have a piece of stick.
- Q. Yes, and the others had sticks too? A. I know that Henry did have a piece of stick. 20
- Q. And some others had machetes? A. Don't know, sir.
- Q. You don't know? A. No, sir.
- Q. Your intention was to capture the men? A. Catch the man them, sir.
- Q. And if it meant that you had to beat them to capture them you would do that? A. What, sir? 30
- Q. You intended to use the stick to help the capture of the men? A. Yes, sir.
- Q. And, of course, you intended, if you capture them to give them a good beating? A. Yes, sir.
- Q. And you say you came within five to six yards of the three men? A. Yes, sir.

- Q. About how many of you in all were going after these men, all the groups count together? A. Say what, sir?
- Q. About how many - how many groups of you, first of all, were chasing the men? A. I don't know, sir.
- Q. About how many people in all were chasing the men? A. I don't know, sir.
- 10 Q. And you say that after you saw Cecil Henry drop and you saw blood you still tried to follow these men? A. Yes, sir.
- Q. Eh! A. Yes, sir.
- Q. Very brave man! You alone? A. Yes, sir, me alone follow them, sir, till afterwards me get George Parry and Joseph Lawrence.
- Q. Until you saw - you followed them until you saw Parry and Lawrence, you say? A. So tell Parry and Joseph Lawrence come ketch me up.
- 20 Q. That time how far the men were, you could still see them or they gone? A. That time them going on before me.
- Q. How far before you? A. Not ketch so far, sir, but a could a still see them.
- Q. Now, putting it to you again, you see, that you are not certain which one had the gun? A. Say what, sir?
- Q. You are not certain which one had the gun? A. Palmer have the gun, sir.
- 30 Q. I am putting it to you that you are not certain that Palmer was carrying a crocus bag? A. Yes, sir, a certain that.
- Q. And this handbag was a small bag? A. Yes, sir.
- Q. And I am putting it to you that when these men - you saw these men they were in the bushes, on the hill. A. Yes, sir.
- Q. When the shot fired they were in the bushes?

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(continued)

A. Yes, sir.

Q. And when you saw them at the time when Palmer get shot - when Henry got shot, when you saw them at the time when Henry got shot they were in the bushes? A. Yes.

Q. They was standing up, lying down, stooping down at that time or what? A. Stooping down.

Q. They were stooping down? A. Yes.

Q. And with the bushes between you and them you couldn't see them clearly. A. Yes, sir. 10

Q. You could see them clearly? A. Yes, sir.

Q. But when they was stooping down you couldn't say who was short and who was tall? A. Yes, sir.

Q. They looked the same height when they were stooping down I take it? A. No, sir, after them stand up them would a must taller than when they sit down

Q. I see, when they stooped down they all looked the same height? A. No, sir. 20

Q. You know any of the Wilsons before that day? A. No, sir.

Q. Never seen them come to Simms Run before? A. No, sir.

Re-
examination

RE-EXAMINATION

MR. KERR. You said you had a piece of stick?
A. Yes, sir.

Q. What size stick had you? How long?
A. About this length (Showing on the length of his arm.) 30

Q. About how stout? A. About like here so. (Showing railings on Judge's platform).

Q. And where did you get the stick from?
A. Down at the level, sir.

- Q. Did you take up the stick before or after you spoke with Fedlie Johnson? A. After I spoke to Johnson, sir.
- Q. Was it after you heard the shots from the level or was it before you heard the shots? A. Me take up the stick, sir.....
- Q. Yes? A. When me hear the shots, sir.
- Q. So that when you took up the stick did you know that the men had gun? A. Yes, sir, for me tan a level hear it, sir.
- 10 Q. Now, the road, you see, which passes your field is your field higher than that road? Is it on the same level as the road or is the road below your field? A. Same level with my field, sir.
- Q. Now, you say there are bushes between the road and your field? A. Yes, sir.
- Q. How high? A. Not very high, sir.
- Q. Show us. A. About this.
- 20 Q. And could you see people along the road from your field. A. Yes, sir.
- Q. And that was the first time you saw the men? A. Yes, sir.
- Q. Now, you said that the accused had a baling bag, is that it? A baling bag? A. Yes, sir.
- Q. What sort of bag is a baling bag? A. Those that fertilizer come in.
- Q. Not a sugar bag? A. No, sir.
- 30 Q. And what sort of bag did the other man have, George Wilson? A. Him had a handbag, sir.
- Q. Which one had a handbag? A. The one that not here.
- Q. What shirt he had on, you remember? A. Red, sir.
- Q. He had on a red shirt? Do you know what

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(continued)

shirt this man had on, you remember?
A. Him did have on red, sir.

- Q. Who had on red? A. Palmer.
- Q. And what shirt did Wilson have on? A. A whitish colour shirt.
- Q. So, how many red shirts you saw? A. Two, sir.
- Q. Now what was it - you said when you got downhearted the man spoke to you. Did he still have the gun? A. Yes, sir.
- Q. Who was he, who had the gun? A. Palmer, sir. 10
- Q. Now, you said you had a piece of stick and Henry had a piece of stick. Did anybody in your party have a gun? A. No, sir.
- Q. Now, you said there is a man named Palmer at Higgin Land. A. Yes, sir.
- Q. You know where he lives? A. Yes, sir.
- Q. About how far him live from Bugger Hill? A. About two and a half miles, sir.
- Q. Did you see him at all that day, Palmer, the Higgin Land man? A. No, sir. 20
- Q. Before Henry was shot, did you say anything at all to the men, the three men? Did you say anything to them, did you threaten them or say anything to them? A. No, sir.

HIS LORDSHIP. Yes, Thank you.

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George WilsonGEORGE WILSON: SWORNEXAMINED BY CROWN COUNSEL, MR. KERR.In the Supreme
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No. 4

George Wilson
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- Q. Now, is your name George Wilson? A. Yes, sir.
- Q. George, you have to speak up so that all the jurors can hear you, the accused man and the Judge. And are you a mason?
A. Yes sir.
- 10 Q. And do you live at 21 East Road in the parish of Kingston - St. Andrew- is it Kingston 12? A. Yes sir.
- Q. Now, do you know this man? A. Yes sir.
- Q. For how long? A. I know him about two years sir.
- Q. Now on Sunday, the 12th of May this year, in the afternoon, where were you? A. I was at home, sir.
- Q. And did anyone come there? A. Yes sir.
- 20 Q. Who? A. Sigismund.
- Q. Who is Sigismund? A. The accused, sir.
- Q. And about what time he came to your home?
A. About four o'clock, sir.
- Q. Did he speak with you? A. Yes sir.
- Q. What he said? A. He asked me for Valentine.
- Q. Who is Valentine? A. That is my brother sir.
- Q. Does he live at the same home with you?
A. No sir. He lives at 16 Crescent Road.
- 30 Q. How far from your home? A. That is about two miles sir.
- Q. What you told him - and you answered him?
A. Yes sir.

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George Wilson

Examination.

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(continued)

Q. What you told him? A. I told him Valentine never visit me as yet sir.

Q. So after this did you leave your home?
A. Yes sir.

Q. Both of you? A. Yes sir, all two of us leave sir.

Q. Did you go anywhere? A. Yes sir; we come downstairs and reach as far as Seven Street.

Q. What village or town is that? A. That is Ghost Town, sir.

10

Q. Is that also called Trench Town? A. Yes sir.

Q. Did you see your brother? A. Yes sir.

Q. And did the three of you have conversation?
A. Yes sir.

Q. What was it? A. We told him that we going in the country to visit our parents.

Q. Who told him? A. Me and Valentine.

HIS LORDSHIP. Told who? A. Sigismund, sir.

CROWN COUNSEL. Did you tell him where your parents were? A. Yes sir.

20

Q. Where? A. Alexandria.

Q. St. Ann? A. Yes sir.

Q. Is Alexandria the district or the Post Office?
A. The Post Office.

Q. What is the district? A. Bethany.

Q. Who are your parents? A. Roslyn Wilson and Winston Wilson.

Q. Did you have any other purpose or reason for coming to St. Ann? A. I hear that mi mother did sick.

30

Q. Apart from looking for your mother, did you have any other purpose or business to come to St, Ann? A. Our intention is to come to the

country and buy some ganja, sir.

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Q. Did you make known to him your intention that you were coming to the country to get ganja? A. No sir, him never know of it sir.

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Q. Now that Sunday when you spoke about coming to look for your mother, did he say anything? A. Him said he would like to come with us.

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Q. Did you agree for him to accompany you? A. Please, sir?

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(continued)

10 Q. Did you agree for him to come with you to St. Ann? A. Yes sir, with Valentine, sir.

Q. Now, did you leave for St. Ann? A. Yes sir.

Q. When you left? A. I leave from about four o'clock the following morning.

Q. The following morning, four in the morning or afternoon? A. Four in the evening, sir.

Q. You travelled to St. Ann? A. Yes sir.

Q. How? A. By the Mayflower bus, sir.

20 Q. All three of you? A. Yes sir, all three of us, sir.

Q. And where did you come off the bus? A. I come off the bus at Bethany, sir.

Q. About what time? A. About nine o'clock.

HIS LORDSHIP. At where? A. Bethany.

Q. And did you go to your mother's home? A, Yes sir.

Q. All three of you? A. Yes sir.

Q. And you spent the night there? A. Yes sir.

30 Q. Now the following morning, the 14th of May, the Tuesday, did you leave your mother's home? A. Yes sir.

Q. About what time? A. About six o'clock, sir.

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(continued)

Q. In the morning? A. Yes sir.

Q. Who were you? A. Sigismund Palmer and Valentine, all three of us, sir.

Q. And did you set out in any particular direction? A. Yes sir. We went into Buxton direction and continued walking till we find ourselves...

HIS LORDSHIP. Speak up. I just look and see the jury shaking their heads.

CROWN COUNSEL. You set out in what direction? A. 10
Buxton direction until we find ourselves at Simm's Run.

Q. The three of you? A. Yes sir.

Q. Walking? A. Yes sir, all three of us.

Q. Now, on the road to Simm's Run, you see, did anything happen? A. Yes sir. About 12 o'clock, sir, we have got some lunch.

Q. You had some lunch? A. Yes sir.

Q. Anything else happened on the road? A. Yes sir, after we have the lunch Palmer, all three of us leave from where we eat the lunch. Palmer decided that he would like to go to the lav. and he stop back and after he stop back and use the lav I see him get up and after him get up him shove a gun here so. (Witness indicates) 20

Q. What sort of gun is it? A. A short gun.

HIS LORDSHIP. Put a short gun where? A. In his pants, sir.

CROWN COUNSEL. And he continued on? A. No sir. 30
Personally I went up there and I said, 'Sigismund, you have a gun,' and I said to him say, 'Give me the gun,' and he give the gun to me, sir.

Q. Now, arriving at Simm's Run, did you go to any particular place there? A. Yes sir.

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(continued)

Q. What place? A. After I receive the gun from him, sir?

Q. What place you went? A. I went to Dahlia's home, sir.

Q. You still had the gun then? A. Yes sir, me still have the gun.

Q. Was Dahlia at home? A. Yes sir, she was at home.

10 Q. All three of you went into her yard?
A. Yes sir.

Q. Did anyone of you speak to her? A. Yes sir.

Q. Who spoke to her? A. Me speak to her, sir

Q. What you said to her? He was present?
A. Yes, sir.

Q. He could hear this conversation? A. Yes sir.

Q. What did you say to her? A. I asked her -
I was informed that she had some ganga selling
so I come to hear if I could get it to buy.

20 HIS LORDSHIP. Keep your voice up, please. She
had some ganga selling and what? A. I asked
her if I could get some to buy.

CROWN COUNSEL. Did you know her place before?
A. No, sir.

Q. Did she say anything to you? A. Yes, sir,
she say she 'fraid a we, sir, because we is
police.

30 Q. What happened next? A. She went at the back,
sir, and say she going to give we some
sample and she carry a han'ful come and all
three of us tes' it, sir.

Q. Was it the genuine stuff? A. Yes, sir.

HIS LORDSHIP. You tested it? A. Yes, sir.

HIS LORDSHIP. You just looked at it? A. Yes,
sir, and rub it up, sir.

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CROWN COUNSEL. Before she brought the stuff and told you she thought you were police, did you tell her anything? A. We tell her that we is not police.

Q. Now, while this negotiation, this talking over ganga going on, were Campbell - were there any other persons in the yard?

A. Yes, two other persons were in the yard, sir.

Q. What sort of persons? A. A little growing-up boy and another big enough fellow, sir, and Dahlia. 10

Q. Call Fedlie Brown for me, please. (Fedlie Brown enters courtroom then, leaves.) You have ever seen that man before? A. Yes, sir.

Q. Where? A. Him came at Dahlia's home, sir, at the same day; the same man came at Dahlia's home.

HIS LORDSHIP. He was one of the two? A. He came there after we came there sir. 20

CROWN COUNSEL. Was he one of the two persons there? A. No sir.

(Augustus Johnson called then leaves court room.)

Q. You recognise that man? A. Yes sir.

Q. Did you see him that day? A. Yes, sir, he and Fedlie Brown came while we were at Dahlia's home, sir.

Q. Now, after she brought the ganga now what happened? A. After she brought it, sir, we start to weigh it. 30

Q. She brought some more? A. Yes, in a bale bag, sir.

Q. You started to weigh it? A. Yes sir.

Q. And what happened? A. We saw Fedlie and Augustus coming with their amount.

Q. They came with some too? A. They came with their amount, sir.

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Q. And what happened then? A. All three of them weighed up their separate amount, sir, and after they weighed it up we turn to her and said to her say, "What a way you have ganga in the country legge, legge and the law is against it."

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(continued)

10

HIS LORDSHIP. What? A. After the weigh up we turn to them and say, "What a way you have ganga in the country legge, legge, and the law is against it", and she run.

CROWN COUNSEL. Who run? A. Dahlia Campbell, sir, and all three of them who were selling, run.

Q. They ran? A. Yes, sir.

HIS LORDSHIP. Dahlia ran first? A. Yes, sir.

HIS LORDSHIP. Followed by who? A. Please, sir?

HIS LORDSHIP. Followed by who? A. Dahlia first ran, sir, and Fedlie and Augustus ran.

20

CROWN COUNSEL. While they were running did you do anything? A. Yes, sir, afterwards when dem running - when dem run off, sir, and we tek up the two bags....

Q. When they were running, did you do anything? A. After dem run and reach down, no, sir. When dem reach down the flat and we tek up the two crocus bags and we tek up a machete, two shots was in the gun and I fire the two shots from in the gun and all three of us leave.

30

HIS LORDSHIP. You took up a machete, you say? A. Yes, sir.

HIS LORDSHIP. Your machete or her machete? A. Her machete, sir.

CROWN COUNSEL. You say, "We tek up the bags." How did you carry them? A. Valentine Wilson carry one of the bags, sir, and at the time me carry one and have the gun in me hand and Sigismund Palmer carry the ganga and me carry

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(continued)

the machete and the gun and when we reach...

Q. Wait, wait. So, Valentine had one of the bags? A. Yes, sir.

Q. Palmer had...? A. One bag, sir.

Q. You had ...? A. The gun, sir, and a machete, sir.

Q. Where did you go? A. We heading to Higgin Land, direction, sir.

Q. Along the road? A. Yes, sir.

Q. Now, at some distance from Dahlia's home, did either of the three of you speak at all? A. Yes, sir; Palmer, sir. Him said to me that I mus' give him the gun, sir. 10

Q. Did you answer him? A. Yes, sir, I knit up me brow and said to him, "Since it reach to this, it better I carry the gun."

HIS LORDSHIP. It better who carry the gun? A. Me, sir.

CROWN COUNSEL. Did he say anything when you said that? A. Valentine came in the midst, sir, and said, "The gun not passing back from han' to han', don't give him back." 20

HIS LORDSHIP. The gun not passing from hand to hand? A. Yes, sir, and Palmer said mus' give him the rass gun because is our country, dye not going to hurt me but ...

HIS LORDSHIP. Your evidence is extremely important and it is essential that the jury must hear it, so please save me the trouble of having to tell you to speak up. A. Palmer said, "Give me the rass gun because is our country," sir, "... dem not going to hurt us because them know us but them will hurt..." him. 30

CROWN COUNSEL. Did you do anything after he said that? A. Yes sir, I return back the gun to him.

Q. After you give him the gun? A. I receive

back the bag with the ganja, sir.

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Q. And how far from Campbell's yard were you then? A. When he received back the gun, sir?

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Q. Yes. A. About half a mile, sir.

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HIS LORDSHIP. You took the bag of ganja from who? A. I took the ganja from him sir and...

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CROWN COUNSEL. After you gave him the gun what happened A. We were keep on walking, sir.

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Q. Together? A. Yes sir, all three of us.

(continued)

10 Q. Now while you were going on, did you see anybody? A. Yes sir, I saw a little fellow passing with a bag with some ganja in there.

Q. About what time of the day was this? A. That time was going up to about three o'clock, sir.

Q. In the afternoon? A. Yes sir.

20 Q. And did the fellow speak? A. Yes sir, he came on before and telling the crowd that some man coming; them take away some ganja and don't pay for it.

Q. This boy came from behind and passed you and went on and spoke to a crowd? A. Yes sir.

HIS LORDSHIP. The boy had a bag of ganja, you said? A. Yes sir. He went on a tell his friend that three man coming; them take away some ganja and don't pay for it.

CROWN COUNSEL. How did the boy speak - quietly? A. No sir, softly; he just passed and whispered to his friend.

Q. But you heard? A. Him, Palmer, realised it sir.

Q. Did you hear? A. Yes sir.

30 Q. After the boy did that did he speak to anybody else? A. No sir.

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(continued)

Q. What happened now? A. We decided to turn over the main and hide.

Q. Why you decided to turn off the main?
A. Through we never want to get contact with the crowd, sir.

Q. Where did you go when you turned off?
A. We went up in a hill sir.

Q. Now while you were in the hills, what happened? A. While we were in the hills, sir, we hear some walking coming up towards us and Palmer fire a shot out the gun but it never catch anyone and them run away.

10

Q. People run away? A. Yes sir.

Q. I see. Did you remain at the same spot?
A. No sir.

HIS LORDSHIP. People ran away? A. Yes sir.

HIS LORDSHIP. Did you see them at all or you only heard the walking? A. I heard the walking.

CROWN COUNSEL. Did you see them when they were running or you heard the footsteps?
A. I heard the footsteps when they were running, sir.

20

Q. Now did you stay at the same place?
A. No sir, we never stay at the same place.

Q. Where you went? A. Transfer to another hill, sir.

Q. What happened there? A. We heard some crowd coming up in the hills, sir; that time all three of us stoop down in the hill and we hard some crowd coming up.

30

Q. Yes? A. And Palmer make an attempt to fire the gun sir, and I hold his hand.

Q. When he made an attempt, show us what he did.
A. He do so, sir. (Witness indicates)

Q. What happened when he did that? A. I hold him hand, sir.

- Q. Did you say anything to him when you held his hand? A. Yes sir, I told him that I don't want any man get shoot in the country sir, because is my country, them know me.
- Q. Did he fire the gun then? A. No sir, he never fired it.
- Q. Now what happened next? A. While they were there, sir, we heard some men say that them gone and some say that them don't gone yet.
- 10 Q. Who said so? A. Some of the man say they gone and some say they don't gone, as yet. And he make an attempt to fire and me and Valentine stop him again.
- Q. What Valentine did? A. Told him not to fire the gun because him don't see anyone. If him fire the gun and don't see anyone...
- HIS LORDSHIP. Valentine stopped him and said?
A. We told him not to fire the gun and don't see anyone, but if him fire the gun and don't see anyone him entitled to shoot anyone through the bushes.
- 20 CROWN COUNSEL. What happened next? A. While they were there we hear some walking coming to the direction to me and all three of us stoop down at the time and Palmer get up and lean on a tree and them coming from that direction.
- Q. They were coming from what direction?
A. They coming from that direction.
- 30 HIS LORDSHIP. Which direction? A. Coming from straight unto Dahlia's direction from which we were coming.
- MR. KERR. How did the footsteps sound to you, as if they were far away or coming nearer to you? A. No, sir, as if the footsteps were coming near to us.
- Q. And what happened? A. I heard a voice say, "Palmer, Palmer, come..." and at this time I just see a shadow move like a man and a tek up the machete and started to chop my way out.

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(continued)

Q. And started to.... ? A....Chop my way out, coming out the hill.

Q. Then what happened? A. While I was coming out, sir, leave Valentine and Palmer, Palmer in the same position and afterwards him fire two shots out the gun.

Q. Where was he when he fired it? A. When him fire it him cotch up in the tree same way and Valentine...

HIS LORDSHIP. You saw him leaning on a tree? 10
A. Yes, sir.

MR. KERR. What sort of tree, big tree, little tree or what? A. No, sir, tall tree, about a three by four measurement.

Q. Lean against the tree with the gun?
A. Yes sir.

Q. How many shots you heard? A. I heard two, sir, different from the first one, sir, total three, sir.

Q. Three shots in all? A. Yes, sir. 20

HIS LORDSHIP. You saw Palmer leaning on the tree?
A. Yes sir,

HIS LORDSHIP. And you heard how many shots?
A. I heard two shots fire, sir.

HIS LORDSHIP. From the gun? Different from which first one? A. Different from the first one that he take and run the first set of man them, sir.

HIS LORDSHIP. You saw him fire the shot? A.
Yes sir. 30

MR. KERR. Now, what happened after that? A. I hear him and Valentine running out the hill, sir, and him say that a man get shoot and Valentine say the same.

Q. Who had the gun then? A. Palmer, sir.

HIS LORDSHIP. Palmer say a man get shot, both of them say a man get shot? A. Yes, sir.

HIS LORDSHIP. Which direction had they fired the shot in? A. They fired it in the same direction where I saw the shadow and heard the footsteps.

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10 MR. KERR. Now, Valentine and he said a man get shot, did you say anything? A. Yes, sir, I say to them say a man really get shot? And Palmer say, yes, Valentine turn to me and say, well, is the man use the gun and him suppose to know whether the man get shot or no.

HIS LORDSHIP. Who said that to you? A. Valentine

HIS LORDSHIP. Palmer was there? A. Yes Your Honour.

MR. KERR. Now, after that what happened, what happened next? A. Well, we was continuing walking, sir.

20 Q. In what direction? A. Going back to Dahlia direction, sir, because we turn back from the hill direction.

Q. Oh, retrace it. A. Yes, sir.

Q. And what happened? A. While I was going on, I still investigating from both Palmer and Valentine.

Q. Did you see anybody when you going on? A. Yes sir.

Q. Where? A. We saw some man was trailing us.

Q. How many men? A. Well, at the time, sir, about three of them was the closest to we.

Q. Did anyone speak to the men? A. Yes, sir.

30 Q. Who? A. Palmer, sir.

Q. When you spoke to the men how far off were they from you? A. Palmer them, sir?

Q. Yes. A. When them spoke to them, sir, that time all three of us was combine.

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(continued)

- Q. Where were the men from you? A. About three chain away.
- Q. About from where to where? A. About like from here to the hardware shop down there.
- Q. That is ten chains away, M'lord. You said from where you are to the hardware shop there? A. Out there, sir.
- Q. I don't know if Your Lordship can see the shop, perhaps the jury knows the shop. Well, could the three men have heard what Palmer said? A. Yes, sir. 10
- Q. And do you remember what he said? A. I heard him say that he had a pack of shot, sir, and if them follow him till night him going shoot them because dead man don't tell any tales.
- Q. When he spoke to the men did the men do anything? A. They was continually following us, sir, until all of a sudden we don't see them again.
- Q. About how long did they follow you after he spoke to you? A. They follow us until about half mile, sir. 20
- Q. And you don't see them again? A. No sir.
- Q. And after the men left where did you go? A. We turn back to Alexandria, sir.
- Q. Three of you? A. Yes, sir.
- Q. To whose place? A. Winston Wilson, sir.
- Q. Your father's place? A. Yes, sir.
- Q. And did you leave there? A. We never leave there until the Friday morning, sir. 30
- Q. The following morning? A. Yes, sir.
- Q. Three of you? A. Yes, sir.
- Q. Which morning you left? A. Friday.
- Q. On the Friday? A. Yes, sir.

- Q. Oh, you didn't leave - you left the Friday morning? A. Yes, sir.
- Q. All three of you? A. Yes, sir, all three of us.
- Q. How you travel? A. We travel on the Mayflower bus, sir.
- Q. To Kingston? A. Yes, sir.
- Q. And what happened to the ganga? A. We have it, sir.
- 10 Q. Who had it? A. All three of us had different amounts? A. Yes sir.
- Q. How you arrive at the different, different amounts? A. Well, when we went up, sir, he take his amount, sir...
- Q. Yes? A...and Valentine take his amount.
- Q. I see. A. And me have my amount.
- Q. Shared it up? A. Yes, sir.
- Q. Now, after this visit to the country, did you see the accused man, Palmer, again?
20 A. yes, sir.
- Q. When? A. I saw him the Sunday about 4.00 o'clock.
- Q. Where? A. At my home, sir.
- Q. Did he speak to you? A. Yes, sir.
- Q. What he said? A. He told me that his people say that she hear it over the air where a man get shot into the country and dead.
- Q. His people? She, his people, who is that?
A. That is his baby mother, sir.
- 30 Q. You know her name? A. No, sir, I don't know her name.
- Q. Did you say anything when he told you that?
A. I said to him, "So a man seriously get shot in the country".

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HIS LORDSHIP. What? A. I say to him, "So a man seriously get shot in the country".

MR. KERR. Now, after this conversation, did he leave you? A. Yes, sir.

Q. And this was the Sunday after you went home? A. Yes, sir.

Q. Now, on the 9th of June, a Sunday, about 3.30 in the afternoon where were you?
A. Was at home, sir.

Q. Anybody came there, morning or afternoon? 10
A. Morning, sir.

Q. Sorry, morning they came there? Early morning? A. Yes, sir.

Q. Before you got up? A. Yes sir.

Q. Who came there? A. Inspector Kirlew, sir.

Q. Anybody else? A. Yes, sir. plenty more policemen.

Q. Policemen? A. Yes, sir, but I don't know them.

Q. And did he speak with you? A. Yes, sir. 20

Q. Inspector Kirlew? A. Yes, sir.

Q. And did he take you to the station?
A. Yes, sir,.

Q. Now, before he took you to the station, did he take you anywhere? A. Yes, sir, he take me to Palmer, sir.

Q. Now, how did he take you to Palmer, walk?
A. No, sir, them drive, sir.

Q. In what? A. Car, sir.

Q. And where did they go, you know the street or the place? A. They go in Ghost Town, sir. 30

Q. And did you go into his home with the detective or did you remain in the car?
A. I remain outside in the car, sir.

- Q. And did the detective bring him out?
A. Yes, sir. In the Supreme Court
- Q. And from his home did you go anywhere else?
A. Yes, sir. Prosecution Evidence.
- Q. Whose place? A. Valentine, sir. No. 4
- Q. Did the detective go into Valentine's home?
A. Yes, sir. George Wilson. Examination.
- Q. Did you go with them? A. No, sir. 12th December 1968.
- 10 Q. Did the accused go with them? A. I never see the accused from them take him away from his home, sir. (continued)
- Q. Oh, he didn't travel in your car? A. No sir.
- HIS LORDSHIP. You went to Valentine's home with the police? A. Yes, sir.
- HIS LORDSHIP. But Palmer was in another car? A. Yes, sir.
- MR. KERR. Now, - and did you, were you all at the station later that morning? A. Yes, sir.
- 20 Q. From Valentine's home - did he travel in your car? A. Valentine, sir?
- Q. Yes. A. No, sir.
- Q. You sure? Whose car you travel - who was in your car, who was the police officer?
A. I remember that Mr. Pusey was in it, sir.
- Q. I see. Anyway at the station, was it the Central Police Station? A. Yes, sir.
- Q. Now, in the presence of the accused did you say anything? A. Yes, sir.
- Q. Was Inspector Kirlew present? A. Yes, sir.
- 30 Q. And what you told the Inspector? A. Well, I told the Inspector, sir, that is Segi. shoot the man, sir.
- Q. Did he say anything? A. Yes, sir, he told them that he doesn't know me nor Valentine, sir.

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Q. Now, when you were telling your story was Valentine there? A. No, sir, Valentine wasn't in presence at that time, Valentine was downstairs, sir.

Q. Now, do you remember how you were dressed that day at Simms Run? A. Yes, sir, I was in a white shirt, sir.

Q. Yes? A.... and a black pants.

Q. What about Valentine, you remember?
A. I don't quite remember how Valentine did dress but I can remember that he was in a red ganzie. I don't remember how him dress but him was in a shallow-rim felt. 10

HIS LORDSHIP. Had on what? A. A shallow-rim felt, sir.

MR. KERR. And you said that you knew this man for 2 years? A. Yes, sir.

Q. When you went into Dahlia Campbell's home did the others know what you were going in there for? A. Yes, sir. 20

Q. How they know, did Palmer know? A. When we reach back home, sir, sanction about ganga, sir.

Q. You didn't pay for the ganga, did you?
A. No, sir.

Q. This is not your first visit to the country for ganga? A. Please, sir?

Q. This is not your first visit, is it?
A. No, sir.

Q. You were placed on a number of identification parades? A. Yes, sir. 30

Q. And after the parades ended Inspector Kirlew charged you - arrested you and charged you for the shooting at Campbell's house? A. Yes, sir.

Q. Any other charge? A. No, sir.

Q. Prosecution did not proceed with those charges against you, is that so? A. No, sir.

Q. You were discharged from those charges?
A. Yes, sir.

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Q. During that - during the whole incident at Simms Run, did your brother, Valentine, ever had the gun? A. No, sir, Valentine never touch the gun.

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(continued)

GEORGE WILSON: CROSS EXAMINED BY DEFENCE COUNSEL,
MR. ROPER.

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10 Q. Whoever shot the deceased, whether you, Valentine or this one or somebody else, you are not prepared to take any of the blame?
A. Please sir?

Q. Whoever shot this man you are not prepared to take any of the blame? A. I did caution him.

HIS LORDSHIP. Are you prepared to take any of the blame for the shooting of the man? Are you prepared to take any of the blame for shooting the dead man? A. No sir, because I never know that him shoot him, sir.

20 DEFENCE COUNSEL: Are you prepared to put any of the blame on your brother, Valentine?

CROWN COUNSEL. M'Lord, I must object to this. I must object. It is not for him to put blame anyway. If he is asking if he thinks the man is blameable that is another thing.

HIS LORDSHIP. Yes, well it is the way the question is put, Mr. Roper; it seems to me as if Mr. Roper is developing a defence; is that so Mr. Roper?

30 DEFENCE COUNSEL. Now are you prepared to put any of the blame on your brother, Valentine for

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(continued)

the shooting of Cecil Henry? A. No, sir.

Q. You put all the blame there?

HIS LORDSHIP. No, no, that is another matter.

DEFENCE COUNSEL. Very well. You never saw when Henry was shot? You never saw Henry shot?

A. No sir, Palmer told me, sir.

HIS LORDSHIP. Speak up. A. Palmer told me sir; Palmer and Valentine.

Q. Now you said you had on a white shirt?

A. Yes sir,

10

Q. And Valentine had on a red shirt? A. A red ganzi shirt.

Q. But you can't recall what shirt Palmer was wearing? A. He was in a shallow rim felt.

Q. You can be certain that it was not a red shirt? A. No sir, he was not in a red shirt.

HIS LORDSHIP. Who is that? A. Valentine was in a red shirt.

DEFENCE COUNSEL. There was only one red shirt?

A. Yes, sir.

20

Q. And Valentine was in it? A. Yes sir.

Q. The gun belonged to Valentine, isn't it?

A. No sir, Palmer is the owner of the gun.

Q. Now you were inviting Palmer to come to the country with you to buy ganja? A. Palmer never knew what we coming to the country for until we reach.

Q. You invited Palmer? A. Valentine, sir.

Q. Valentine invited him? A. Yes, sir.

30

Q. You also invited him? A. No sir, because often

HIS LORDSHIP. The answer is no. Don't elaborate on it.

DEFENCE COUNSEL. You approved of him coming?
A. Yes, sir.

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Q. And when you approved you wanted him to assist you in the ganja effort? A. No, he claims that he did have ...

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Q. No, I just ask you that. When you invited him or approved of him coming you expected that he would help in the efforts of the ganja business? A. No sir.

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(continued)

10 Q. Then why you wanted him to come then? Why you approved of him coming? A. Is he tell Valentine that he would like to come.

Q. You were the leader, weren't you? A. No.

Q. Why you approved? A. He had his own bus fare and he claim he had monies.

Q. So you expected him to.... A. I did have money; he never have any money.

Q. I am talking in Kingston. Why you approved of him coming? A. In the country?

20 Q. Yes, with you. A. Him don't come with me, he come with Valentine. He and Valentine have the arrangement.

Q. Now, you still don't answer me. I want to know why you approved of him coming? A. I don't understand you.

HIS LORDSHIP. Why you agree for him to come?

A. I never know that he would come out here and commit himself.

30 HIS LORDSHIP. I think you said earlier on, you said he had his own bus fare and said he had money; is that when you said? A. Yes sir.

DEFENCE COUNSEL. So in Kingston you had made up your mind. After - just before you spoke to or saw Palmer you had decided from in Kingston that you were coming to buy ganja?
A. I decided to come and visit we mother.

Q. Leave out the mother. You had decided that you were going to come on a ganja business?

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A. No sir, is when we came down here we decided to buy some.

Q. You didn't decide to from Kingston?
A. I don't know if he and Valentine decided but I never decided.

Q. You didn't decide from Kingston?
A. No, I don't know if he and Valentine...

Q. I didn't ask about anybody else. When you left Kingston did you have any ganja on your mind? A. No.

10

Q. None at all, you are sure of that?
A. Yes sir.

Q. Then where, when did you decide about ganja? A. When we came down.

Q. Where you decided that? A. At Bethany.

Q. The accused slept at your parent's home that night? A. Yes sir.

Q. In the house? A. No sir, my father say he does not like his face and he had to sleep outside.

20

Q. He slept outside alone? A. No sir, me and him sir.

Q. He did not like your face either? A. No sir, through is we and him come out there we wouldn't leave him alone outside.

Q. You and him sleep outside? A. Yes sir.

Q. On the verandah? A. No sir, on the steps.

Q. And you say the first time you saw a gun was when? A. When we reach in Simm's Run.

Q. How you say you came to see a gun?
A. He went to the lav.

30

Q. In a building? A. No, at the bushes, and when he get up and draw up his pants I saw his shove something down here resembling a gun.

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(continued)

Q. You said anything? A. Yes, I went up there and said, "Sigie, you have a gun," and said to him, "Give me the gun."

Q. And he gave you the gun? A. Yes.

Q. He gave you readily? A. Yes sir, because it bring a fuss.

Q. I suggest to you that you left Kingston, yourself and Valentine with the gun.
A. No.

10 Q. And that Velentine, it is Valentine's gun?
A. Not Valentine, Palmer, is Palmer I took it from.

Q. Alright. Now when you took the gun you see, how far was that from Dahlia's home, Dahlia Campbell? A. I would check that about a mile or a little more.

Q. You wanted to have the gun to combat any problems you might have at Dahlia Campbell's house? A. No, I receive the gun through...

20 Q. No, no, yes or no. A. No.

Q. You were heading for Dahlia Campbell's house? A. We never hear of Dahlia as yet.

Q. Now you have been to Simm's Run several occasions to buy ganja? A. In Simm's Run?

Q. Yes. A. No.

Q. In St. Ann? A. Yes sir. I have been in St. Ann but not Simm's Run.

Q. Several times you come to Simm's Run?
A. No, not regularly. Only when work scarce.

30 Q. But you knew the areas quite well - the ganja areas? A. No sir, I never been in that country when I was a boy; is recently.

Q. When you come to buy ganja in St. Ann Valentine would come with you? A. No sir.

Q. This was the first time Valentine was coming with you - your brother? A. This is the

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second time, sir.

Q. This was the first time Palmer was coming with you? A. Yes sir.

Q. Now why you - you wanted the gun so that you might be able to...

HIS LORDSHIP. Put it in question form.

DEFENCE COUNSEL. You wanted the gun - you wanted to have the gun? A. Yes sir.

Q. Why? A. Through I never wanted any offence committed in the country because they know me personally all about in the country. 10

Q. You didn't want any offence committed and that is why you took the gun? A. Yes sir.

Q. Good. Then since you did not want any offence committed with the gun, why did you fire the shots in Dahlia Campbell's yard? A. Well, when I fire the gun at Dahlia Campbell's yard no one was there. That time they run away.

Q. If no one was there and they had run away, then why fire the gun? A. I never want the gun in the country because I have been known in the country and I always tell Valentine... 20

Q. You said when you fired the gun there was nobody in the yard; they all run away? A. Yes sir.

Q. Then why you fired? A. I feel more or less it was only the two shots Palmer had and after those two shots gone I know that nothing couldn't happen in the country again. 30

Q. Since you didn't want the gun, then why you did not throw it away then? A. Throw it away, sir - but he would still pick it up.

Q. Now at Dahlia's yard you fired a shot at her, didn't you? A. No.

Q. Did you say to Dahlia, 'Sell me some of the weed?' You asked Dahlia to sell you some of

- the weed? A. I asked her if she had it.
- Q. You asked her to sell you some? A. She said she is afraid of we because we is police and I told her no and she was there until she bring some sample.
- Q. Now did you go into Dahlia's house?
A. No sir.
- Q. Not even her kitchen? A. No sir.
- 10 Q. You were at the doorway? A. No sir, we never reach there.
- Q. You did not reach the doorway? A. No sir.
- Q. Now, did you fire a shot at Augustus Johnson? A. No sir, none of them.
- Q. And Johnson ran? A. No sir, when the gun fire them away down in the gully.
- Q. And I am putting it to you that you fired the shot at Johnson - Johnson run leaving Dahlia and Fedlie Brown? A. No sir, all three of them run one time.
- 20 Q. And when Fedlie Brown was left there you turned to him and said, 'It look as if you are a blood cloth bad man, you noh out fi run.' A. No sir, me and Fedlie...
- Q. Just a minute; you fired a shot at him and then he ran? A. No sir.
- Q. Leaving Dahlia alone? A. No sir.
- Q. Then you fired a shot at Dahlia? A. No sir, she was not there.
- 30 Q. Three shots you fired in Dahlia's yard?
A. No sir.
- Q. All aimed at Fedlie Brown, Johnson and Dahlia? A. No sir. It was only two in the gun sir, at the time.
- Q. Now, did you intend to pay for the ganja, Dahlia's ganja? A. Yes sir.

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- Q. Why you didn't pay for it? A. Them never wait for any money.
- Q. Now why they did not wait, because you run them with the gun? A. From I said, 'What a way once have the ganja in the country legge legge and the law is against it,' them run.
- Q. You said that because you did not want to pay? A. What, sir?
- Q. You made the remark about it being against the law because you did not want to pay? A. No sir. 10
- Q. If you wanted to pay why you just did not pay instead of telling them it is against the law? A. It was joke I making with them sir.
- Q. So when they run you would not stop them and say that is just a joke and hand them the money? A. Them never return until they reach...
- Q. Alright; now you left - there were two crocus bags of ganja? A. Not a full crocus bag. 20
- Q. There were two crocus bags with ganja? A. Two bale bags.
- Q. It is like a crocus bag? A. Yes sir.
- Q. You carried one? A. Yes sir.
- Q. And Valentine carried one? A. At the time from Dahlia's home, sir?
- Q. Yes. A. No sir.
- Q. When they left Dahlia's home? A. Palmer carried one and Valentine carried one. 30
- Q. From Dahlia's home? A. Yes, until we reach the half mile.
- Q. Think back, you see, you remember giving evidence in Brown's Town? A. Yes sir.
- Q. It was read over to you and you signed it? A. Yes sir.

Q. Remember you said that you took one bag and Valentine the other? A. Yes sir.

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HIS LORDSHIP. Where is that?

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DEFENCE COUNSEL. That is page five, m'lord, about the eighth line; starting with, 'I took one bag of ganja and Valentine had the other.' You remember saying that you took one bag of ganja and Valentine had the other? A. A week end bag was in the lot.

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10 Q. The week end bag had any ganja in it?
A. Yes sir.

(continued)

HIS LORDSHIP. Apparently you were referring to the week end bag. A. Yes sir, a week end bag with a strap.

DEFENCE COUNSEL. Now who had the small bag, the travelling bag? Who had the small bag?
A. Over my shoulder?

Q. When you left Dahlia who had the travelling bag over the shoulder? A. Me sir.

20 Q. You had the gun? A. Yes sir.

Q. And you carried the gun and the travelling bag for how long? A. About half mile from Dahlia's home.

Q. And after that half mile, what happened?
A. Palmer ask back for the gun.

Q. Yes. A. And I gave it to him and he was continuing to carry it until we reach.

Q. He still carried the bag or you took it from him? A. No, I took the bag from him at that time.

30 Q. So what was Palmer then carrying? A. At the time Palmer carried the gun.

Q. Anything else? A. Well I don't quite remember if is him take hold of the week end bag at that time.

Q. But after you said you handed the gun you carried one of the bale bags and Valentine

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- carried another of the bale bags? A. Yes sir.
- Q. And you continued? A. Walking, sir.
- Q. You continued like that up till you reached the hill? A. Yes sir.
- Q. You with a bale bag, Valentine with a bale bag and you said Palmer with a gun?
A. I don't remember if is him have the week end bag or Valentine.
- Q. Now why you gave him back the gun since you did not want any trouble. A. Through it bring a fuss and him say I must give him the rass gun because is our country, them know us in the country but they don't know him. They will hurt him but they won't hurt we. It bring a fuss and I gave it back to him. 10
- Q. Well, did you really want to give him back the gun? A. No.
- Q. Then, between yourself and Valentine, you never tried to persuade him not to bother with the gun; take it back? A. Well, he was irritable at the time when him ask for it, because him say I must give him, When I refrained from give it to him him say I must give him the rass gun, a fe unoo country. 20
- Q. You say that. I am putting it now to you that morning there was no gun or the gun was in Valentine's possession or your possession. A. No, sir. 30
- Q. Now, while you were on the hills you said the crowd came up? A. Yes, sir.
- Q. And you said Palmer, in your words, attempted to fire? A. Yes, sir.
- Q. And you stopped him? A. Yes, sir.
- Q. And later on you saw and heard more footsteps? A. Yes, sir.
- Q. And you saw shadows? A. Yes, sir.

- Q. And then after you saw the shadows was it then that you heard a voice saying, "Palmer Palmer, come and carry you gun"? A. Yes, sir.
- Q. Do you know of another Palmer in Higgin Land? A. Well, I don't know him in person.
- Q. But you know a Palmer? A. I have heard of him.
- Q. But when you heard the voice, "Palmer, Palmer, come and carry you gun" you didn't say that? A. Me?
- 10 Q. Yes. A. No.
- Q. Valentine didn't say that? A. No. Who was trailing us say that.
- Q. You got the impression that the persons who were trailing you said that, one of them? A. Yes, sir.
- Q. At that time did you feel that your life was in danger, were you afraid? A. Please sir?
- 20 Q. At that time were you afraid when you saw the shadows, heard the footsteps and voices saying, "Palmer, Palmer, come and carry your gun" were you afraid? A. No, sir.
- Q. You were not afraid at any time? A. No, sir, I decide was to run.
- Q. Well, why you run? Was it not because you were afraid. Were you afraid? A. No, sir.
- Q. Why you decide was to run? A. Just to get rid of them.
- 30 Q. Why you want to get rid of them? A. Through I don't want me and them have nothing.
- Q. Because you were afraid of the numbers? A. Well, I couldn't afraid of the numbers, because I never see none of them. Only heard footsteps coming.
- Q. Were you frightened when you heard the footsteps, saw the shadows? A. Please?

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Court

Prosecution
Evidence.

No. 4

George Wilson.

Cross-
examination.

12th December
1968.

(continued)

In the Supreme
Court

Prosecution
Evidence.

No. 4

George Wilson.

Cross-
examination.

12th December
1968.

(continued)

- Q. Were you frightened? A. No.
- Q. You remember you gave evidence in Brown's Town? A. Please?
- Q. You remember you gave evidence in Brown's Town? A. Yes.
- Q. You remember you said that you were frightened; that is page 7, about six lines up from the bottom. "Footsteps sounded as if more than one person. I was frightened." You remember saying that? A. I don't remember. 10
- Q. Now, you said you chopped your way through? A. Yes, sir.
- Q. When you started to chop, did you feel that the men were near enough to catch you? A. No, I heard the footsteps and from the time I heard the footsteps coming I decide was to run out the hill.
- Q. And when you decided that you felt they were near enough to capture you? A. Well, I never see anybody. 20
- Q. Yes. You said, now, you were not afraid at any time in the hill? A. Please?
- Q. You say you were not afraid? A. Well, I don't quite remember
- Q. You don't remember if you were afraid? A. If I did gave that statement.
- Q. Well, I am asking you now then, were you afraid? A. No, sir.
- Q. Now, when the last - when you heard the voice saying - did you hear a voice saying a man get shot? A. Yes, sir, by Segismund Palmer. 30
- Q. You didn't hear anybody else's voice among the crowd? Did you hear anybody say a man get shot? A. Yes.
- HIS LORDSHIP. That is from the people who were...
A. Yes, sir.

MR. ROPER. When you heard the voice, you see, was it the last shot you heard fired, or the one before the last or which one?
 A. Well, at the time, when I heard that sound that time Segis and Valentine coming to catch me up, and they say they heard a man - saw a man.

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 Court

Prosecution
 Evidence.

No. 4

George Wilson.

Cross-
 examination.

12th December
 1968.

(continued)

10

Q. No, I didn't ask you that. When you heard a voice from the crowd say a man get shot, was that the last gunshot you heard or what?
 A. Yes, that was the last.

Q. And at that time were you all three together?
 A. Well....

Q. When you heard the voice and the last shot?

MR. KERR. No, no. No, no, my friend is trying to confuse the witness.

HIS LORDSHIP. Those are two questions.

20

MR. ROPER. When you heard the voice saying a man get shot, you see, how far were you from Palmer? A. When I heard the voice say a man get shot?

Q. Yes, that voice coming from the crowd.
 A. I was about five chain or so coming off the hill.

HIS LORDSHIP. From Palmer? A. Yes, sir, from Palmer, coming off the hill.

MR. ROPER: You were five chains from Palmer and how far from Valentine? A. Well the same amount of distance because they was together.

30

Q. And you run leave them? A. Yes, sir.

Q. And they came up and joined you? A. Yes, sir.

Q. What Palmer said to you was - was it not that he heard that somebody got shot?
 A. No, he said a man get shot.

Q. He didn't say it look like a man get shot. He didn't say it look like a man get shot. He used a word, either a man get shot or...

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Court

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Evidence.

No. 4

George Wilson.

Cross-
examination.

12th December
1968.

(continued)

HIS LORDSHIP. Speak up please. A. I know he use a word - some shooting, either him say a man get shot or it look like a man get shot. A ask him the question several times if a man really get shoot and him say yes.

MR. ROPER. And he said, what? A. Yes.

Q. Yes. And you asked Valentine about it too?
A. Yes, sir.

Q. Now, what Valentine said? A. Valentine said is the man use the gun and him suppose to know whether the man get shoot or no. 10

Q. Did you hear Valentine ask any questions whether a man get shot or no? A. Asked Palmer.

Q. Valentine asked Palmer that? A. Say if he did ask Palmer? No, I never heard him. Palmer say a man get shot and him say is the man gun, him must know whether him get shoot or no. That is Valentine's statement to me. 20

Q. I didn't get that. When the last shot was fired, how far you were from Palmer? A. Well I really didn't check because I was running at the time. I know when him come down it was about five chains.

HIS LORDSHIP. You were five chains away? A. Yes, sir.

MR. ROPER. When you discussed the ganga matter, going to get ganga, at your home, Bethany, did you tell Palmer whether or not you had been to the area before or whether you knew it or what? A. Well, me and him never hold any argument about it in town. Me and Palmer never hold any argument about it in town. 30

Q. Yes, but in Bethany, you held an argument about ganga? A. Yes.

Q. Did you tell Palmer whether or not you had been to the - you had bought ganga before? A. No, I never suggest that to him.

- Q. You never tell him that? A. No.
- Q. You had never told him that you had been to St. Ann before to buy ganga? A. No. Me and him never hold that argument.
- Q. But you said that when he demanded the gun he said that it is "our country." A. Yes.
- Q. "...they are not going to hurt you because they know you." A. Yes.
- 10 Q. Know you and Valentine. A. I don't know if it is me or Valentine. Him say them not going to hurt unoo because it is me and Valentine country, "they don't know me."
- Q. But you had never told him that you had had this ganga dealing before? A. No.
- Q. You see, I am putting it to you that it was, and you well know, that it was Valentine who shot - who fired the shots. A. No, at the time when I leave out I never leave Valentine with the gun; and when we combine together is Palmer I see with the gun.
- 20 Q. Now, at no time at all did you see any of the men who were approaching you in the hills? A. No.
- Q. Never seen any? A. No.
- Q. And when you saw the shadows, how far the shadow was from you? A. When I saw the shadows, the shadows was about, roughly, eight yards - shadow coming towards me.
- 30 Q. And that time you decide to chop your way through? A. Yes.
- Q. You didn't think that that might give some idea where you were, you didn't consider that that might give you away? A. No, because I was running, my intention is running out because I never think of waiting on who coming because I decide was to run.

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Court

Prosecution
Evidence.

No. 4

George Wilson.

Cross-
examination.

12th December
1968.

(continued)

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Court

Prosecution
Evidence.

No. 4

George Wilson.

Cross-
examination.

12th December
1968.

(continued)

Q. But you still consider that if you chop it must give a sound and they could know where you were? A. Them know that we never leave from in the hill.

Q. Why you say they were coming towards you? A. Because them know where we was in the hill.

Q. How you know that, how you know that they knew where you were in the hills?

A. I heard a man before say, "Is my place and I suppose to know whether them gone. Yes, or no, them is there." Never see him face to face.

10

Q. Now, you remember saying at the preliminary enquiry at Brown's Town that, "I cautioned Valentine and accused when I took the gun from accused". A. Please?

Q. You remember saying that you cautioned Valentine?

MR. KERR. One moment, has the witness said anything different? I mean that is the only time you can refer to the thing. Has he said anything different and on what occasion is he referring to? Has he said anything different?

20

HIS LORDSHIP. Where you are now?

MR. ROPER. Page 8, M'Lord.

HIS LORDSHIP. Where?

MR. ROPER. At the last - second to last sentence, just before in the middle.

30

MR. KERR. Has he said anything different?

HIS LORDSHIP. You mean what he said today, 'cautioned accused.'

MR. KERR. Well, ...

HIS LORDSHIP. What he is putting to him is he cautioned Valentine and ...

MR. ROPER. Why.

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Court

MR. KERR. Well, he hasn't said he asked Valentine. He must lay it first and he must tell us what he is referred to because this refers to after leaving Dahlia's house, the half mile business.

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Evidence.

No. 4

HIS LORDSHIP. You have to read the whole context, Mr. Roper.

George Wilson.
Cross-
examination.

10 MR. ROPER. Yes, but it is the usual thing, you refer to the depositions if you are going to contradict but I think my learned friend misunderstood because I have no intention of contradicting.

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1968.

(continued)

MR. KERR. No, I am taking objection. You can't ask him unless you contradict.

HIS LORDSHIP. You have taken out a part of the sentence

MR. ROPER. Yes.

20 HIS LORDSHIP. If you read it you will see that the whole sentence is. You have only taken out the first few words.

MR. ROPER. Yes. I will just put it this way then, M'Lord. Now, you remember after you left Dahlia's house? A. Yes, sir.

Q. You said you took the gun from - no, no, - when you took the gun from Palmer that was before you reach Dahlia's house? A. Yes.

Q. When you saw him with it? A. Yes.

30 Q. And you said it caused a fuss - no, not at that time, it didn't cause a fuss at that time - did it cause a fuss at that time? A. Him get several caution.

Q. No, no, when you took the gun from his first.

MR. KERR. M'Lord, talking about taking the gun from the accused first, as far as I see

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George Wilson.

Cross-
examination.

12th December
1968.

(continued)

it once he took it from him..

HIS LORDSHIP. He took the gun from him before he reached Dahlia's house and he demanded the gun after they left Dahlia's house.

MR. ROPER. All right.

MR. KERR. Yes.

MR. ROPER. All right. When you took the gun from Palmer you said he handed it readily?

HIS LORDSHIP. Before you reached Dahlia's house Palmer handed the gun over to you?
A. Yes, sir.

10

MR. ROPER. And as you asked him for it he gave it to you? A. Yes, as I ask for it he gave it to me.

Q. And there was no fuss? A. Yes, it was a fuss but not on the direct spot.

HIS LORDSHIP. No, no, when you asked him for the gun and he handed it to you was there any fuss then? A. No, sir.

20

MR. ROPER. No fuss.

HIS LORDSHIP. Whether first or second, there is no first or second, he is saying he only got the gun once.

MR. ROPER. Yes. And about how long after that when you took the gun; about how long after that did you demand back the gun?
A. Well, I haven't got any estimate of the time.

Q. About how long? A. If I estimate it to you I would be telling a lie.

30

HIS LORDSHIP. Speak up. A. I know that he take it half mile from Dahlia's home but I don't remember.

MR. ROPER. All right. Now, at the point where you took it from him, how far was that from

Dahlia's home? A. About a mile.

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Court

Q. How long you spent at Dahlia's home?
A. We spent about a hour or more waiting
on Fedlie them.

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Evidence.

Q. Waiting on Fedlie? A. Yes, to come back
to Dahlia's home with their amount of
ganga.

No. 4
George Wilson.

Q. But you had made arrangement with Fedlie
to bring ganja there? A. Yes he came at
Dahlia's home and saw we there and ask
we what we buying and we tell him what
it is.

Cross-
examination.
12th December
1968.

(continued)

10

Q. When you reached Dahlia's home, you see,
you did not see Fedlie Brown or Johnson?
A. No sir.

Q. About how long after they came? A. They
came about half hour.

HIS LORDSHIP. They left and came back with
their share? A. Yes, sir.

20

RE-EXAMINATION OF GEORGE WILSON BY MR. KERR.

Re-
examination.

Q. You told me learned friend when you heard
a voice from the men trailing you saying
a man get shot, you were about five chains
from Palmer off the hill. Point out
the five chains when you hear a man from
the crowd say a man get shot. Show us how
far you were away from Palmer. A. I was
about where the sign is on the house top.
(Witness indicates)

30

Q. Now, you said that one shot was fired
first that scared the people and then two
shots after? A. After?

Q. You say you heard this voice saying a man
get shot? Was that before the two shots
or after the two shots? A. After the
two shots, sir.

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Court

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No. 4

George Wilson.

Re-
examination.

12th December
1968.

(continued)

Q. Now, when Valentine said, 'Is the man use the gun and he is supposed to know if the man get shot,' did he say anything?
A. No, he never say anything.

Q. You say when you saw the shadow the shadow was eight yards from you? A. Yes, sir.

Q. And at that time where was Palmer?
A. Palmer was leaning on a tree with his left hand on the tree and holding the gun in his right hand.

10

HIS LORDSHIP. When was this? A. He was leaning on a tree with his gun in the right hand and Valentine...

CROWN COUNSEL. That is when the two shots were fired? A. No sir, the two shots never fire as yet.

HIS LORDSHIP. Palmer was leaning on a tree with the gun like that? The shot hadn't been fired as yet? A. No sir.

HIS LORDSHIP. When you say like that, pointing in which direction? A. In the direction where the footsteps coming from.

20

Q. Now your parents, you say, live at Bethany? A. Yes sir.

Q. Where you born and grow up? A. Bethany sir.

CROWN COUNSEL. M'Lord, perhaps - it is approaching a certain hour - we could just put in a short one.

No. 5

Daniel Henry

DANIEL HENRY SWORN: EXAMINED BY CROWN
COUNSEL, MR. CHAMBERS.

In the Supreme
Court

Prosecution
Evidente.

No. 5

Daniel Henry.

Examination.

12th December
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- Q. Is your name Daniel Henry? A. Yes sir,
- Q. Are you a farmer? A. Yes sir.
- Q. Do you live at Rhoden Hall in this parish of St. Ann? A. Yes sir.
- Q. Did you know Cecil Henry? A. Yes sir.
- 10 Q. Is he related to you? A. He is my brother sir.
- Q. How old was he? A. I think he were about 30 years old.
- Q. And what was his occupation? A. A hard farmer, sir.
- Q. Where did he live? A. Prickley Pole, sir.
- Q. That is in this parish, St. Ann?
A. Yes sir.
- Q. You remember Wednesday, the 15th of May of this year? A. Yes sir.
- 20 Q. Did you go to Alexandria hospital in this parish? A. Yes sir.
- Q. And there did you see your brother's dead body? A. Yes sir.
- Q. Did you identify his body to doctor Magnus?
A. Yes sir.
- Q. Now, about what time on the Wednesday had you gone to Alexandria when you identified the body, about what time was that?
A. About half past three we catch down there, sir.
- 30

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Court

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Evidence.

No. 5

Daniel Henry.

Examination.

12th December
1968.

(continued)

Q. That is in the afternoon? A. Yes sir.

Q. When was it that you received the information about your brother? A. Tuesday sir, in the night, sir.

Q. That is the night before? A. Yes sir.

Q. Now, did you know Simm's Run? A. Yes sir.

Q. What distance would you say Prickley Pole is from Simm's Run? You know Prickley Pole where your brother live, to Simm's Run? A. A good distance sir, but really my brother did not - he was going round there that day fi go sell something you know, sir.

10

Q. I am asking you what distance is Prickley Pole. A. I just can't tell.

Q. Alright.

DEFENCE COUNSEL. No questions, m'lord.

MR. KERR. M'Lord, we could make for a prompt resumption at two.

No. 6

In the Supreme
CourtHECTOR HINESHECTOR HINES: EXAMINATION BY MR. CHAMBERS
SWORN:Prosecution
Evidence

No. 6

Hector Hines

Examination

12th December
1968

10

Q. Is your name Hector Hines? A. Yes, sir.

Q. And are you a sergeant of police? A. I am,
sir.Q. Now stationed at St. Ann's Bay in the parish
of St. Ann? A. No, sir, I am still at
Alexandria.Q. You remember the 15th of May, this year?
A. Yes, sir.Q. At about mid-day did you go to Bugger Hill?
A. I did, sir.Q. That is near to what district? A. Near to
Higgin Land.Q. In the parish of St. Ann? A. St. Ann, yes,
sir.

20

Q. There did you see the dead body of a man?
A. Yes, sir.

Q. Was that Cecil Henry? A. Cecil Henry, sir.

Q. And did you give certain instructions?
A. I did, sir.Q. And as a result of those instructions was the
body taken to the Alexandria public
hospital morgue? A. Yes, sir.

30

Q. And later that day were you present when Dr.
Paul Magnus performed the postmortem
examination on the body? A. Yes, sir, was
present.

Q. The body was identified? A. Yes, sir.

Q. By whom? A. Daniel Henry, sir.

In the Supreme
Court

Prosecution
Evidence

No. 6

Hector Hines

Examination

12th December
1968

(continued)

- Q. And did Dr. Magnus hand anything to you?
A. Yes, sir.
- Q. What did he hand to you? A. He handed me a spent cartridge, sir.
- Q. Did you see where the doctor got his spent cartridge from? A. Yes, sir, from the brain of the deceased.
- Q. You saw him remove it? A. I saw him remove it, sir.
- Q. Will you show him. Is that the spent cartridge? A. This is the spent cartridge, sir.
- Q. M'Lord, may that be tendered as exhibit 1?
- HIS LORDSHIP: Cross-examination?
- MR. ROPER: No cross-examination?
- HIS LORDSHIP: Well, we will adjourn now until 2:00 o'clock. Remember now, Members of the Jury, what I told you yesterday evening.

10

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Court

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Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

No. 7

DAHLIA CAMPBELL

DAHLIA CAMPBELL:- SWORN - EXAMINED BY CROWN
COUNSEL MR. CHAMBERS

- Q. Now, what is your name? A. Dahlia Campbell.
- Q. And what is your occupation? A. Field.
- Q. And where do you live? A. Simm's Run. I don't live in the town part.
- Q. Higgins Land, Simm's Run? A. Yes, sir.
- Q. Is that in the parish of St. Ann? A. Yes, sir.
- Q. Are you married? A. Yes, sir.

20

Q. When you married? A. Yesterday.

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Court

Q. And what is your married name now? A. Scarlett.

Q. Now, do you remember Tuesday the 14th of May
of this year? A. Yes, sir.

Prosecution
Evidence

Q. Were you at your home that day? A. Yes, sir.

No. 7

Q. And did anybody come to your home? A. Yes,
sir.

Dahlia Campbell

Q. Who came? A. Three men, sir.

Examination

Q. About what time was it that they came?
A. About three-thirty in the afternoon.

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1968

Q. Now, when they came, were you alone at home?
A. No, sir, me and Augustus Johnson and
Fedlie Brown and the children.

(continued)

HIS LORDSHIP: Who and who were there? A. Me and
Augustus Johnson and Fedlie Brown and two of my
small children.

HIS LORDSHIP: Augustus Johnson? A. Yes, sir, and
Fedlie Brown.

CROWN COUNSEL: And two of your children?
A. Yes, sir.

Q. And who were these three men that came into
your home? A. I never know them, sir.

Q. Do you see any of them here today?
A. Yes, sir.

Q. Will you point out those that you see?
A. The one in the bar.

Q. He was one? A. Yes, sir.

Q. You see any other of them here? A. I see the
other one today, sir, but I don't see him now,
but me no see one.

HIS LORDSHIP: What? A. Two me see today.

CROWN COUNSEL: Who is the other one you see today?
A. George Wilson.

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Court

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Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

(continued)

(George Wilson called and sent out)

HIS LORDSHIP: Is it that man? A. Yes, sir.

CROWN COUNSEL: Is that one? A. Yes, sir.

Q. And you say another one that you don't see here today? A. Yes, sir.

Q. Did you get to find out what that one's name was? A. Yes, me here what him name.

Q. What him name? A. Valentine Wilson.

Q. And what happened when these three men came to your home? A. George Wilson ask me what about the colly. 10

Q. Now, when he said that to you, could the accused here, this one have heard?
A. Yes, sir.

Q. When he asked you that, did you answer?
A. Yes, sir.

Q. What did you say? A. I said I don't know what him talking about.

Q. And when you told him that, did he say anything else? Yes, sir. 20

Q. What he said? A. He said he mean weed.

Q. And what happened when you tell him that - when he said he mean weed? A. I told him that we don't plant weed, is yam we plant.

Q. You said it was George Wilson who spoke to you then? A. Yes, sir.

Q. After that happened, did anybody else speak? A. Valentine Wilson said to Fedlie Brown, "Then what about you, daddy?"

Q. And did Brown answer? A. Yes, sir. 30

Q. What did he say? A. He said him don't plant weed, is yam him plant. If it was yam or cabbage he could get any amount.

HIS LORDSHIP: Speak up.

CROWN COUNSEL: What happened after that?

A. George Wilson stepped toward the doormouth of the hall of the house and was looking inside.

Q. Yes? A. And said, you sell me some of the weed, because oonoo must have weed for man cant eena.

10 Q. You have to say that slowly. A. He says must sell him some of the weed for man cant eena this bush yah a plant yam if oonoo no have weed oonoo must have money.

Q. When George Wilson said that, what happened? A. Augustus Johnson said, "But it seems like oonoo a police".

20 Q. Yes? A. And George Wilson just step back and pointed a gun at Augustus head and fire a shot and Augustus duck and run behind the house. Him say, 'pull you blood cloth', and fire the shot.

Q. Tell me something. When he spoke about weed, you know what he was talking about? A. I never really saw it, sir, but I hear about it.

Q. I asked you if you know what he is really talking about, A. No, sir.

Q. What happened after you saw Johnson ran behind the house? A. He spin toward Fedlie Brown.

30 Q. He who? A. George Wilson and he said, "It seem as if you are a bad man, you no out fi run?" And he fired a shot after Fedlie Brown and Fedlie Brown run behind the kitchen and run down the gully.

HIS LORDSHIP: Fired a shot at Brown?

A. Yes, sir.

CROWN COUNSEL: What happened after Brown ran?

A. I ran too, and when I run....

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Court

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Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

(continued)

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Court

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Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

(continued)

Q. Where you run, which direction? A. The same direction with Fedlie Brown but me and him never run in the same track, but is in the road I run and Fedlie run in the coffee walk.

Q. And what about your two children? A. And when I run off about a chain I turn back to take up my baby for the baby was in the hall and same as I turn back and was coming back George Wilson pointed the gun at me and I hear an explosion and I hear something sing pass my ears and.....

10

HIS LORDSHIP: All right, turn back, take up your baby, you heard an explosion?

A. Yes, sir, and I hear something sing pass my ears.

CROWN COUNSEL: So, when you turned around and ran, that time you ran leave your baby?

A. Yes, sir, and the other little one.

Q. And where did you run to? A. I run straight to the field where Manassah Scarlett was in the field.

20

HIS LORDSHIP: Who Manassah Scarlett was?

CROWN COUNSEL: That is the gentleman you are married to? A. Yes, sir.

Q. You saw him at the field when you got there? A. Yes, sir.

Q. And what time did you return to your home? A. When me return was about 6 o'clock.

Q. Now, when you returned home, did you miss anything? A. Yes, sir.

30

Q. What you miss? A. £60 did eena mi grip.

Q. You mean £60 money? A. Yes, sir, and a scale.

Q. You had that in a grip, you say? A. Yes, sir.

Q. Where was the grip? A. It was inside the room.

- Q. In your room? A. Yes, sir.
- Q. And you missed a scale? A. A scale that I put down in the hall on a chair.
- Q. Your scale? A. Is Manassah Scarlett scale.
- Q. Did you miss anything else apart from the £60 and the scale? A. Only a little cutlass did in the yard and me never saw it, sir.
- Q. Now, later that day, did you hear something? After you come home. A. Yes, sir.
- 10 Q. Did you know Cecil Henry? A. Yes, sir.
- Q. You knew where he lived? A. I know the district where he lived but I don't know the yard.
- Q. Was he a man that used to be in Simm's Run? A. Yes, sir.
- Q. Now on the 12th of June this year, did you go to Kingston? A. Yes, sir.
- Q. Did you go to Central Police Station in Kingston? A. Yes, sir.
- 20 Q. Did you attend an identification parade there? A. Yes sir,
- Q. And this parade, did you see a line of men? A. Yes, sir.
- Q. Did you point out anybody from that line of men? A. Yes, sir.
- Q. Whom did you point out? A. I point out Palmer first, sir.
- Q. You mean this accused? A. Yes, sir,
- 30 Q. You pointed him out as who? A. As the man I see at mi yard, come at my yard.
- HIS LORDSHIP: One of them? A. Yes, sir.
- CROWN COUNSEL: You said you pointed him out first? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No. 7

Dahlia Campbell

Examination

12th December
1968

(continued)

- Q. Did you see another line of men after you pointed him out? A. Yes, sir.
- Q. Did you point out anybody else? A. Yes sir.
- Q. Who you pointed out? A. George Wilson.
- Q. And you pointed out George Wilson as who?
A. As another one who was with the other one that come to my yard.
- Q. Now, apart from - I take it, when you ran to the field you see... A. Yes, sir. 10
- Q. ...and you saw Manassah Scarlett, you spoke to him. A. Yes, sir.
- Q. Did you make a report about the shooting and all that to anybody else? A. When?
- Q. Before you go to Kingston to this parade. A. Yes, sir.
- Q. Who you reported it to? A. Inspector Kirlew and Mr. Cole.
- Q. How long after was it that you made this report to them? This thing happened on the Tuesday, can you recall when it was that you reported to Inspector Kirlew and Mr. Cole? A. The next day. 20

Cross-
examination

Cross-examined by Mr. Roper

- Q. You know about how far the shot sing pass your ears? A. No, sir, me only hear it, me never see it.
- Q. But it come close to your ears or far? A. Close, sir.
- Q. Now, you saw where George Wilson got the gun from? A. No, sir, I only see him just step back and time him step back I only see him pointing so, I don't see where him take it from. 30
- Q. Now, which one speak the most in your yard, which one of them speak the most? A. George Wilson.

- Q. Oh, the spokesman? A. Yes, sir.
- Q. Did Valentine speak? A. Only what him say to Fedlie.
- Q. Then, did this man speak anything? A. No, sir.
- Q. Quiet. Now, you said George Wilson was looking in your house? A. Yes, sir.
- Q. Stand up at your doorway? A. Yes, sir.
- Q. Him was looking in there? A. Yes, sir.
- 10 Q. Now, Simms Run, plenty ganga in the area?
A. Me no know, sir.
- Q. You don't know? A. No, sir, me no know.
- Q. Cecil Henry, the deceased, how far he lives from Simms Run? A. He live out a 8-mile, sar.
- Q. About eight miles? A. Yes, sir.
- Q. Oh, he lives out a 8-miles? A. Yes, sir.
- Q. How far from where you live? A. About six miles, sir.
- 20 Q. You saw him that day? A. No, sir.
- Q. But he usually come around? A. He never come down in my district where I live, sir.
- Q. Only come round the area? A. He work into the half-way, into the bush, sir, but him never come round in that part where I live.
- Q. He has a field? A. Yes, sir.
- Q. Round there? A. Yes, sir, but not round there where I live.
- 30 Q. Then the men left with - you had crocus bags at your yard? A. No, sir.
- Q. Don't have crocus bag? A. No, sir.

In the Supreme
Court

Prosecution
Evidence

No. 7

Dahlia Campbell

Cross-
examination
12th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No. 7

Dahlia Campbell

Cross-
examination

12th December
1968

(continued)

Q. What you do with the scale, what you use the scales for. A. To sell food at the market, sir.

Q. Then they didn't take any crocus bags from your yard? A. No, sir.

Q. You made an alarm to anybody about the men? A. When me was gone to the field?

Q. Uh, uh! A. No, sir, because I never run in the district, a little shortcut did round a there, sar, and I run through the little shortcut and run to the field.

10

Q. Is two or three shots fire in your yard that day? A. Three, sir.

Q. And you see the shots fire, one at Fedlie Brown? A. Yes, sir.

Q. How far Fedlie Brown was away when the shot fire at him? A. He was standing up a one hill top-side, like so, so, and he was standing, left hand, and Augustus standing righthand and after him turn round him just spin round to - towards here.

20

Q. When him point the gun and fire at Fedlie Brown, how far Fedlie Brown was? A. From about here, sah, to about out a the post there so.

Q. This post here? A. Yes, sir.

Q. When he aimed the gun and fire, how far was Johnson away? A. Johnson was about where the chair was and George Wilson was about from here to there.

30

Q. When he fired the shots at you how far you were away from him, the one that sing pass your ears? A. I was about like I did run from here to there and then I turn back and ketch where the bench is.

Re-
examination

Re-examination by Mr. Chambers

Q. Now, any of the three shots you say that George

Wilson fire, you see, from the distance that you have pointed out, hit any of the men?

In the Supreme Court

HIS LORDSHIP: Any of...?

MR. CHAMBERS: Any of the men. The shot didn't catch Fedlie Brown? A. No, sir.

Prosecution Evidence

Q. And it don't catch Augustus Johnson either? A. No, sir.

No. 7

Q. And it don't catch you either? A. No, sir.

Dahlia Campbell

HIS LORDSHIP: Thank you, madam; have a seat.

Re-examination
12th December
1968
(continued)

10

No. 8

No. 8

FEDLIE BROWN

Fedlie Brown

FEDLIE BROWN: SWORN: EXAMINATION BY MR. CHAMBERS

Examination
12th December
1968

Q. Is your name Fedlie Brown? A. Yes, sir.

Q. And are you a cultivator? A. Yes, sir.

Q. And where do you live? A. At Prickly Pole, sir.

Q. Is that in the parish of St. Ann? A. St. Ann.

Q. Now, do you remember Tuesday the 14th day of May of this year? A. Yes, sir.

20 Q. Now, where were you in the afternoon? A. At Dahlia Campbell's home, sir.

Q. That is where? A. Down at Simms Run.

Q. And was Dahlia at home? A. Yes, sir.

Q. Did anybody come to the home? A. Yes, sir.

Q. Who came there? A. Three men, sir.

Q. Did you know any of the three men before? A. No, sir.

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown
Examination

12th December
1968
(continued)

Q. Do you see any of these three men here today?
A. Two of them I see right now, sir.

Q. Will you point out the two that you see?
A. That one in the bar and that one sitting
down there, sir.

Q. Did you get to find out the name of the third
man? A. The name of the third man?

Q. Yes. A. I understand his name is Wilson,
sir.

Q. What Wilson? A. Valentine Wilson. 10

Q. Now, when these three men came to Campbell's
home, you see, apart from yourself and
Campbell, were any other persons there?
A. Yes, sir.

Q. Who else? A. Augustus Johnson.

Q. And anybody else? A. And Dahlia Campbell's
children them.

Q. And what happened when the three men came?
A. Well, the three of them came up in the
yard and them said how-de-do and them ask
what about the colly. 20

Q. Now, who was it that spoke and asked that
question? A. I believe it was Valentine
said it.

Q. And who was it he spoke to when asked
that question? A. Not anybody special.

Q. Well, did anybody answer him? A. Yes, sir.

Q. Who answered? A. First of all - Miss
Campbell answer first, sir.

Q. And what did she say? A. She asked what
they were talking about; what were they talking
about. 30

Q. And what happened when she asked that?
A. Them start to explain what they were
talking about.

- | | | |
|----|---|----------------------|
| | Q. Who started to explain, all three of them? | In the Supreme Court |
| | A. The said Valentine, sir. | _____ |
| | Q. And what did he explain, what is he saying? | Prosecution Evidence |
| | A. He saying he is buying herb. | _____ |
| | Q. Yes, and what happened after you say Valentine... | |
| | HIS LORDSHIP: Just a minute. | No. 8 |
| | MR. CHAMBERS: I am sorry, M'Lord. | Fedlie Brown |
| | HIS LORDSHIP: Yes. | Examination |
| 10 | MR. CHAMBERS: Yes, what happened after Valentine says he is buying herb? A. What happen, sir? | 12th December 1968 |
| | Q. Uh, uh, any further talk take place? | (continued) |
| | A. Well they were there and talking and we asked him what him talking about and him say him buying weed, him come back now and say him buying weed and we say we don't have such thing here, we don't plant it. | |
| | Q. When he said they were buying weed did you understand what he was talking about? | |
| | A. No, sir, first I didn't understand. | |
| 20 | Q. So, you say you told him you don't plant it there. A. I didn't understand first what him was talking about. | |
| | Q. Did you understand afterwards? A. Sure. | |
| | Q. What did you understand he was talking about? | |
| | A. I understand he was talking about ganga. | |
| | Q. Yes, did anything happen after that? A. Yes, Sir. | |
| | Q. What happened? A. That one step forward to the house doorway. | |
| 30 | HIS LORDSHIP: Which one? A. That said one there, sir. That brown one sitting behind there and him hold on the two side of the doorway like this. | |

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown

Examination

12th December
1968

(continued)

Q. You know what his name is? A. I don't remember what his name is. (...pause...) George Wilson.

Q. Yes, you say he stepped to the doorway?
A. Yes, and he was looking inside of the house and meanwhile he was looking Augustus Johnson said, "These men look like police", and that said one turn around facing the three of us with a cutlass in the righthand - with a cutlass in the left and a gun in the right.

10

HIS LORDSHIP: Which said one? A. Please, sir?

HIS LORDSHIP: Which said one? A. George Wilson

MR. CHAMBERS: You say he had a cutlass in his lefthand and a gun in his right? A. Yes, sir.

Q. Did he come there with that cutlass?
A. I didn't see where he get it, sir, I don't know, either he come there with it or where he get it.

20

Q. What come the gun, did you see him with the gun before he turned around with it in his hand? A. No, sir, just as him turn around.

Q. Then what happened when he turned around?
A. Fire one of the ball after Augustus Johnson and curse undecent language and say, "Pull away yourself."

Q. Now, when he fired this ball at Augustus, you see, about what distance was Augustus from him? A. About from here to where that policeman sitting down.

30

Q. Where the sergeant here sit? A. Yes, sir, he was just at the corner of the house, Augustus was at the corner of the house.

Q. About 4 yards, M'Lord.

HIS LORDSHIP: Yes, four, five.

MR. CHAMBERS: What happened when he fired the shot at Augustus? A. Augustus turn around the house side.

In the Supreme
Court

Q. I see. Did anything else happen after that?
A. Leaving me and Campbell was standing in the yard meanwhile Johnson run away and gone and him fire a second shot.

Prosecution
Evidence

No. 8

10 Q. Who? A. The said George Wilson, he was the only man that had the gun in the yard as far as I could see.

Fedlie Brown

Examination

Q. He fired a second shot at ...? A. At Dahlia and then I alone was standing now meanwhile Dahlia and Johnson run away and gone.

12th December
1968

(continued)

Q. What happened when he fired at Dahlia?
A. Dahlia run away too, sir.

Q. And when he fired the shot at Dahlia what distance was Dahlia away from him?

A. Nearby, sir, about 3. feet - about 3 yards.

20

Q. Shot don't catch her as far as you could see?
A. No, sir.

Q. She ran away leaving you? A. Yes, sir.

Q. Anything else happen? A. And him turn around to me now and say, "What happen, you is a blood-clawt bad man, you no out fe run", and him fire the third shot after me, sir.

Q. What distance were you from him now, when he fired this third shot? A. About from where you is to where I am.

30

Q. The shot don't catch you? A. No, sir.

Q. Now, when you say he fired the third shot, you see, who was it you referred to as he?
A. The said George Wilson, sir.

Q. So when the shot is fired at you what did you do? A. I run away too, sir.

Q. What happened to Dahlia's children? A. They

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown

Examination

12th December
1968

(continued)

was leaving in the yard, sir, and a little size girl that she have in the yard, small little size, don't start go to school yet, she is about six year old and then the girl took the younger baby and run and carry it out the road meanwhile I don't know where Johnson and Campbell gone.

Q. So, you didn't run far? A. I run too, sir, go way out the road.

Q. Now, after you run did you see the men again? A. Yes, sir.

Q. Where you saw them? A. I see them in the yard, sir, standing still.

Q. Where were you at that time? A. I was out on a little hill, out in the level.

Q. What were they doing in the yard when you saw them? A. I saw two go inside of the house meanwhile one was outside cursing some bad words. I didn't take any special note which was outside but I know one was outside and two go inside.

Q. Did you do anything after that? A. Yes, sir.

Q. What did you do? A. I run away and alarm it to people that was around, sir.

Q. Did you see the men again? A. Yes, sir.

Q. How long after you run away you saw them? A. About fifteen minutes.

Q. When you saw them then, where were they? A. They was going up the hill, going to the direction to a place name Clark, them was going towards that direction.

Q. When they going on, they have anything with them? A. No, sir, I didn't see them with anything.

Q. And were the three of them still going? A. Was going on, sir?

10

20

30

- Q. Yes. A. Yes, sir. In the Supreme Court
- Q. Did you do anything? A. Yes, sir. _____
- Q. What you did? A. I run away and alarm it to the people. Prosecution Evidence
- Q. And then you say, fifteen minutes you saw the men again? A. No, sir, after them leave out the yard about fifteen minutes I saw them going round the direction of Higgin Land. No. 8
- 10 Q. I am asking you, at that stage, did you do anything. A. Yes, sir, I run and tell the people that was around. Fedlie Brown Examination
- Q. And after you told the people, what happened? Did you do anything? A. We all start to trail after them, sir. 12th December 1968 (continued)
- Q. And how far you trailed them for? A. About a mile.
- Q. Plenty of you trailing them? A. Well, about eight of us.
- 20 Q. Now, why were you trailing them? A. Well, through I see them go into the house. Through I see them go into the house and after that Dahlia Campbell come back and check on the house.
- HIS LORDSHIP: What was the purpose you were trailing them? A. Just because I saw them go into the house, sir.
- CROWN COUNSEL: You say when you were trailing them, you didn't see them with anything? A. No, sir.
- 30 Q. But because they went into the house you trailed them? A. Dahlia went to her house first.
- Q. You and eight others trailed them? A. Yes, sir.
- Q. Did you know Cecil Henry? A. Yes, sir.
- Q. Did you see him that day? A. No, sir.

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown

Examination

12th December
1968

(continued)

Q. Now, after you say you trailed them for about a mile, what did you then do? A. Well, we all was running after them and.....

Q. You say you trailed them for about a mile?
A. Yes, sir.

Q. I asked you what you did after you trailed them for about a mile. A. When time we trail them for about a mile three of them branch off into a hill.

Q. What happened to you, what you did? A. I didn't do anything special. 10

Q. Did you go back home? A. In the afternoon, later up in the evening, sir.

Q. What I am asking you, in between the time when you trailed them and when you go home, in the evening, what were you doing? A. Meantime they were in the hill some of my men were trailing them with some more people.

Q. What did you do? A. I was standing on the level. 20

HIS LORDSHIP: You stand on the level while the other men went after them? A. Yes, sir, plenty more of us was standing on the level.

CROWN COUNSEL: While you were standing on the level, did you hear anything? A. Yes, sir.

Q. What did you hear? A. I hear four gun shots fire in the hill, sir.

Q. And what direction did the sound of these gun shots come from? A. In the same hill in which they was in, sir. 30

Q. Did you go up in that hill? A. I go up in the hill after I heard that them shoot Cecil Henry, sir.

Q. Did you see Cecil Henry? A. The body of Cecil Henry, sir.

Q. When you see him, you notice anything?
A. Yes, sir.

- | | | |
|----|---|--|
| | Q. What you notice? A. Him have a cut over the left eye. | In the Supreme Court |
| | Q. Now, the place where you went, you see, and saw Cecil Henry's body, where is that place in relation to where you heard the gun shot from? A. I don't get you properly. | -----
Prosecution Evidence
----- |
| 10 | Q. You said you heard gun shot sounds from the direction that the men were gone and after you went into the hill and saw Henry's body. Where was Cecil Henry's body in relation to where you heard the shot come from. Was it at a different place or was it in the same direction? A. The same direction, sir. | No. 8
Fedlie Brown
Examination |
| | Q. You remember the 12th of June this year? A. Yes, sir. | 12th December 1968
(continued) |
| | Q. Did you go to Central Police Station in Kingston? A. Yes, sir. | |
| | Q. And did you attend an identification parade? A. Yes, sir. | |
| 20 | Q. Did you see a line of men? A. Yes, sir. | |
| | Q. Did you point out anybody out of that line of men? A. Yes, sir. | |
| | Q. Whom did you point out? A. The first line I point out that one sitting in the bar, sir. | |
| | Q. You pointed him out as who? A. As one of the said man that I saw come to Dahlia Campbell's home. | |
| | Q. Did you point out anybody else that day? A. Yes, sir. | |
| 30 | Q. Who else did you point out? A. The said George Wilson that is sitting over there, sir. | |
| | Q. You pointed him out as who? A. As one of the said man that came. | |
| | Q. Now, what were you and Augustus Johnson doing at Dahlia's home that afternoon? A. Well, I go to Dahlia Campbell's home to borrow a | |

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown

Examination

12th December
1968

(continued)

pair of hamper to cut some cabbage to bring it out to Higgin Land on Wednesday.

Q. Do you know what Augustus Johnson was doing there? A. Yes, sir, he came there because he was going to work with Dahlia's husband so he came to find out whether he was working, sir, or no.

Q. I see. Are you a friend of Dahlia's? A. Sure, right, sir.

Q. You went to her wedding yesterday, too? 10
A. No, sir.

Q. Now, do you know Higgin Land well? A. Yes, sir.

Q. You know a man named Palmer living in Higgin Land? A. Yes, sir.

Q. A man or woman? A. A man, sir.

Q. When you were trailing the three men, you see, yourself and others, was Palmer one of your group? A. No sir, no Palmer was in my group. 20

Cross-
examination

CROSS-EXAMINATION BY DEFENCE COUNSEL MR. ROPER

Q. Out of the three men that came to Dahlia's yard, you see, which one looked the badest to you? Which one looked the most aggressive to you?

CROWN COUNSEL: I object M'Lord.

MR. ROPER: All right. Did any of them look aggressive, did any of them look cross?
A. No, sir.

Q. Did this one say anything? A. Yes, sir. 30

Q. What he said? A. Him take out the gun after he was holding on to the doorway.

Q. No. This one in the rail. A. No, that one didn't talk much.

Q. Now, you said they asked for weed? A. Yes, sir.

- | | | |
|----|---|-----------------------|
| | Q. You didn't understand what weed meant?
A. First I didn't understand when he talked about colly. | In the Supreme Court |
| | Q. When he talked about weed, did you understand?
A. Yes, sir. | Prosecution Evidence |
| | Q. They wanted to buy weed, that is what you understand? A. Yes, sir. Them didn't talk about buy, them say them is looking, that is what they said. | No. 8
Fedlie Brown |
| 10 | Q. Did they come and see you into Dahlia's yard?
A. Yes, sir. | Cross-examination |
| | Q. Did you leave and come back? A. Come back where? | 12th December 1968 |
| | Q. Did you go anywhere and come back before they left? A. No, sir. | (continued) |
| | Q. How long were you at Dahlia's yard before they came? A. Well, I was there for about half an hour. | |
| 20 | Q. Just to borrow a hamper took you half an hour?
A. Yes, sir. | |
| | Q. Johnson and you came there together? A. No, sir, Johnson came behind, after. | |
| | Q. Came after you? A. Yes sir. | |
| | Q. Now, Simm's Run, you see, in that area plenty ganja around there, or weed? A. I don't know, sir. | |
| | Q. Now you know whether they took anything from Dahlia's yard? A. Them broke in the house, and took out some money. | |
| 30 | Q. You did not see that? A. I didn't see it of myself. | |
| | Q. You saw the men walking with crocus bags?
A. No sir. | |
| | Q. With any bag? A. No sir, only with a little brief case that one was carrying. George Wilson... | |

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown

Cross-
examination

12th December
1968

(continued)

- Q. Now you said you were in a group with about eight men? A. Yes sir.
- Q. There were other people that were trailing the three of them? A. The three men?
- Q. Yes. A. About three of us was trailing them.
- Q. Were there other people apart from your eight? A. When I reach to Clark, a district by the name of Clark, then some more of Clark man joined with us. 10
- Q. So about how many of you in all? A. From Clark and from my area?
- Q. Yes. A. That was about 12 or 13 of us.
- Q. Cecil Henry, you saw him? A. He was in my group. I did not saw Cecil Henry until when I hear that him get shot. That is the only time I see him, the dead body.
- Q. Some of you had sticks and machetes. A. No sir, not to my seeing.
- Q. You heard gun shots when you were down the level? A. Yes sir. 20
- Q. And you are saying that you trailed the men without any weapon? A. I did not have any weapon at all, sir.
- Q. What about the others? A. Well I did not see them with any either.
- Q. You were trailing the gun men and did not have any weapon? A. I did not have any.
- Q. You were trailing them because you wanted to catch them? A. We wanted to rush them out to Higgin Land where they could get arrested. 30
- Q. You were trailing them; you wanted to catch them? A. Not we directly. If we catch them still we would hold them but we were more interested to rush them out to Higgin Land.

- | | | |
|----|--|----------------------|
| | Q. Now, I am just asking you this. I know you don't like it but had you lost anything? Had they taken anything from you? A. No sir. | In the Supreme Court |
| | Q. Now when I say taken anything I mean ganja. A. But I said no sir. | Prosecution Evidence |
| | Q. But you did not say what the anything was. A. I know sir, but I am telling you that they take nothing at all from me. | No. 8 |
| | Q. What about Johnson? A. Neither Johnson. | Fedlie Brown |
| 10 | Q. You see, I am putting it to you that they had taken some weed from you and Johnson and you wanted to catch them. A. You say you are putting it to me, well you are wrong sir. | Cross-examination |
| | Q. You wanted to catch them and get your revenge? A. No sir, nothing like that. | 12th December 1968 |
| | Q. Ganja is a very valuable commodity? A. I don't know. | (continued) |
| | Q. Every Jamaican know that man. A. I don't know that sir. | |
| 20 | Q. Now Manasah Scarlet, you see, he has a large field. You know his field? A. Yes sir. | |
| | Q. Large or small field? A. To where I know he don't have a large field | |
| | Q. About how big? A. About a three quarter acre. | |
| | Q. Cecil Henry, he has a field in the area? A. Yes sir. | |
| | Q. How big? A. Well I don't know his field because I dont pass his direction so often | |
| 30 | Q. He does not live in that area? A. No sir, but he work in the said area. | |
| | Q. About how far he lives? A. He was living at Prickley Pole. | |
| | Q. About how far is that from the field? A. About three miles. | |

In the Supreme
Court

Q. You know Granville Fearron? A. Yes sir.

Q. You saw him outside? A. Yes sir.

Prosecution
Evidence

Q. Where you saw him? A. He was in our group
sir.

No. 8

Q. He was in your group? A. Trailing after the
same men, sir.

Fedlie Brown

Q. You never see him with any stick, man?
A. No sir.

Cross-
examination

Q. Now where did Fearron join you in your group?
A. Please sir.

10

12th December
1968

Q. Granville Fearron, he joined you where?
A. Up at Clark.

(continued)

Q. And you went into the hills with him?
A. Me sir?

Q. Yes? A. I was standing at the level
meanwhile some of the other men go up in the
hills.

Q. Fearron went up the hills? A. Fearron
went up the hill.

Q. And you don't remember seeing Cecil Henry
at all with Fearron or anybody? A. No sir.

20

Re-
examination

RE-EXAMINATION BY CROWN COUNSEL, MR. CHAMBERS

Q. You told my friend that there were about
12 or 13 men who were trailing the three
men? A. Yes sir.

Q. Now, of that 12 or 13, you see, how many
remained on the level with you? A. I
didn't take any special note because there
were plenty of us also some children was
there and women and men.

30

Q. How many men went up into the hill? A. I
don't know sir.

Q. You can't give us any idea at all?
A. No sir.

Q. But you say Fearron went into the hill?
A. Yes sir.

Q. And others went there too? A. Yes sir.

In the Supreme
Court

Prosecution
Evidence

No. 8

Fedlie Brown
Re-
examination
12th December
1968
(continued)

No. 9

AUGUSTUS JOHNSON

AUGUSTUS JOHNSON: SWORN: EXAMINATION BY
MR. CHAMBERS

Augustus
Johnson
Examination

12th December
1968

Q. Is your name Augustus Johnson? A. Yes, sir.

Q. And are you a cultivator? A. Yes, sir.

10 Q. And where do you live? A. Lower Buxton.

Q. In this parish? A. Yes, sir.

Q. Listen, the jury have to hear you, you see,
so you have to speak so they can hear you, do
you understand? A. Yes.

Q. Now, do you remember the 14th of May of this
year? A. Yes, sir.

Q. Where were you in the afternoon? A. At Miss
Dahlia Campbell yard, sir.

Q. That is at where? A. Simms Run.

20 Q. And was Dahlia Campbell at home? A. Yes, sir.

Q. Anyone else there? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Examination

12th December
1968

(continued)

- Q. Who else? A. Fedlie Brown was there.
- Q. And anybody else apart from Fedlie Brown and Dahlia? A. His children, sir.
- Q. Whose children? A. Dahlia children, sir.
- Q. Now, while you were there did anybody come to the home? A. Yes, sir.
- Q. About what time was it, what time of day it was? A. About half-past three.
- Q. That is in the afternoon? A. Yes, sir.
- Q. Who came to the home? A. Three men, sir. 10
- Q. Did you know any of them before? A. No sir.
- Q. See any of them here today? A. Yes, sir.
- Q. Would you please point out those that you see? A. See one there, sir, and the other one at the back.
- Q. One where...? A. See one sit down there, sir, (pointing at accused) and the other one sit down there.
- Q. Which one you pointing to? A. That man, sir, and the other one ... 20
- Q. Stand up. (To George Wilson) You mean that one? A. Yes, sir.
- Q. And that one here? A. Yes, sir.
- Q. And what about the third man, did you discover what his name was? A. I hear that him name Valentine, sir.
- Q. And what happened when these three men came to Dahlia's home? A. The three men came and say, "Good evening", sir, and say they looking weed, sir. 30
- Q. All three of them say that or did one speak? A. George Wilson speak, sir. George, sir, say, "We looking weed."

	Q. Which one you call George? A. That one, sir.	In the Supreme Court
	Q. And who did he speak to when he said that? A. Three of us,	-----
	Q. Did anybody say anything? A. We say we don't plant weed, sir, plant yam.	Prosecution Evidence
	Q. And what happened after you said that? A. His reply is this, sir, if we into a mountain like this and we don't plant weed we must have money.	----- No. 9 Augustus Johnson
10	Q. Who said that? A. Palmer, sir.	Examination
	Q. That is the accused? A. That man, Wilson, sir.	12th December 1968
	HIS LORDSHIP: Wilson, that one? A. Yes, sir, Wilson.	(continued)
	MR. CHAMBERS: You say Wilson say if we live in a mountain like this and don't plant weed we must have money? A. Yes, sir.	
20	Q. What happened after that? A. And I said to him say, "It seemas if unoo is a police" and him say must move me blood clawt, sir, it seem like me is a exhibitor.	
	Q. Yes, and after he said that to you did anything happen? A. Yes, sir, him fire a shot after me, sir.	
	Q. Fire a shot after you? A. Yes.	
	Q. What him fire the shot from? A. Gun, sir.	
	Q. You saw the gun? A. Yes, sir.	
30	Q. Saw where he took it from? A. No, sir, I never saw where he took it from, a when him fire the shot I saw the gun.	
	Q. When he fired the shot at you, you see, what distance were you from him? A. About 3 chains, sir.	
	Q. You were 3 chains from him? A. Yes, sir, about 3 chains.	

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Examination

12th December
1968

(continued)

HIS LORDSHIP: Like how far? A. Like from that corner to there so, sir.

MR. CHAMBERS: The shot catch you?

A. No, sir.

Q. Anything happened after he fired that shot?

A. I run, sir.

Q. You run? A. Yes, sir.

Q. Now, after you ran, did you hear anything?

A. Yes, sir, after I run and I hear more shots.

10

Q. You hear more shots? A. Yes, sir.

Q. How many more shots you heard? A. Two more, sir.

Q. Where those shots sound come from? What direction? A. Eena the same yard, sah.

Q. After you ran did you see either Dahlia Campbell or Fedlie Brown after you run?
A. I run and leave them in the yard, sir.

Q. Yes, did you see them again after you run?
A. After a long while I see Fedlie Brown, sir.

20

Q. Where you saw him? A. After I get back to him sir, him tell me what happened.

Q. After you what? A. After I come out of the bush where I run to and dey where he is him tell me me what happened.

Q. And what about Dahlia Campbell, you didn't see her again? A. No, sir.

Q. About how long was it after you ran that you saw Fedlie Brown? A. About half hour, sir.

30

Q. And after Brown spoke to you, did you do anything? A. After Brown spoke to me say the man dem.....

Q. No. I ask you, did you do anything after

he spoke to you. A. Yes, sir, we all run after the man dem.

In the Supreme Court

Q. Who ran after the men? A. Four of us.

Prosecution Evidence

Q. Who are the four? A. I and Mr. Brown, sir and two other men.

Q. You don't know the names of the other two men? A. Yes, sir.

No. 9

Q. Tell us the names, please. A. One Ewan Brown, sir, and one Selvyn Brown.

Augustus Johnson

10 Q. You say you ran after the men? A. Yes, sir.

Examination

Q. Did you see the men again? A. Please, sir?

12th December 1968

Q. Did you see them? A. Yes, sir.

(continued)

Q. Where you saw them? A. I saw them about quarter mile.

Q. Going in which direction? A. Going to Higgin Lane direction.

Q. When you say you saw them about quarter mile, quarter mile from where? A. From where them fire the gun after us, sir.

20 Q. That is from Dahlia Campbell's yard? A. Yes, sir, in the same direction.

Q. You saw them quarter mile going towards Higgin Land? A. Yes, sir, going up.

Q. What happened to the three men? A. The three men run all the way until them go out, near out to a next place, ah don't remember what dem call the place but dem take a hill.

HIS LORDSHIP: What? A. Go up into a hill.

30 MR. CHAMBERS: When you saw them, the men were running? A. Please, sir?

Q. They were running when you saw them? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Examination

12th December
1968

(continued)

- Q. Have anything with them? A. I didn't see them with anything, running sir.
- Q. You don't see them with anything in them hand? A. No, sir.
- Q. Then why you trailing them? A. Because that man tell me say dem go into the man house.
- Q. Now, when the men went up into the hill, did you do anything? A. Please, sir?
- Q. When the three men go up into the hill did you do anything? A. No, sir, I did not go up into the hill. 10
- Q. What you did? A. I was on the level.
- Q. Did anybody go up into the hill? A. Yes, sir.
- Q. Who went up? A. Other men go up into the hill, sir.
- Q. You don't know any of the men? A. I don't know them names, sir.
- Q. You know any Palmer at Higgin Land? A. No, sir. 20
- Q. That day when you were following after the men. Was anybody by the name of Palmer in the groups that were following them? A. No, sir.
- Q. Now, did you know Cecil Henry? A. Yes, sir.
- Q. Did you see him while you were trailing the men? A. No, sir.
- Q. Was he one of the group that went up into the hill after the men? I mean, did you see him go up with the group? A. I never saw him till I hear say him get dead in the evening, sir. 30
- Q. After the three men went up into the hill, you see, did you hear anything? A. Yes, sir.

- Q. What you heard? A. I hear them let go a next shot out of the gun. In the Supreme Court
- Q. What you hear? A. I hear a shot, sir. _____
- Q. One shot? A. More than one, sir. Prosecution Evidence
- Q. How many? A. Four. _____
- Q. And which direction was the sound of the four shots? A. The hill turn like that, sir, and the first shot explore this way. No. 9
Augustus Johnson
- 10 Q. Yes? A. And the others, by going roun to pen them round in the hill..... Examination
- Q. No. I asked you where the sound come from. A. I didn't go up into the hill to know where them pen them round. I hear four shots. 12th December 1968
(continued)
- Q. Where you hear the four shots come from? A. In the hill.
- Q. Did you hear four shots one, one, one, one after the other or was there a pause? A. No, sir, about three minutes after one another.
- 20 Q. Tell us how you heard the shots. You can demonstrate by doing so and tell me how the shots sound, so. A. You hear like you hear, boi, sir, and you hear, boi, again, sir.
- Q. Yes, that is two. A. And you hear, boi, again.
- Q. Yes. A. And we hear, boi, again, sir and then we hear some alarm.
- Q. Alarm from who? A. I don't know who, sir, because I never see.
- 30 Q. Where the alarm come from, down the level where you were? A. No, sir, up on the hill, somebody was crying.
- Q. Now where the people - the people that were trailing the men, were they all together or were they divided up into groups? A. They divide up, sir.

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Examination

12th December
1968

(continued)

Cross-
examination

Q. You know Dahlia very well? A. Yes, sir.

Q. Friend of yours? A. Yes, sir.

Q. You went to her wedding yesterday?
A. No, sir.

Q. What were you doing at her home that day?
A. Yesterday?

Q. The day when you say the three men came, what
were you doing at her home? A. I was
passing there.

Q. You just passing? A. Coming from a next
place and go up there, a stop and go up
there. 10

Q. Just a sort of social visit as you passing?
A. A beg a drink of water, sir, and get it.

CROSS-EXAMINATION BY MR. ROPER

Q. What, you got ice water? A. No sir.

Q. You didn't work that day? That day you
didn't work? A. Yes, I work.

Q. Where? A. At mi field.

Q. How far from Dahlia? A. Just about six
chains. 20

Q. How far you live from Dahlia? A. How far
me live; about six chains mi live.

Q. So your home is where the field is? You
have your field and your house on the same
field? A. Yes sir.

Q. So you could not drink the water at your
home, sir? A. I pass, I passing fi her
home you know, I go to see a man; I
passing back and I stop there and beg a
drink of water and after I drink the water
I coming to my place. 30

Q. Did the three men come and see you there?
A. Yes sir.

Q. How long you were there before the men come?
A. I don't know sir.

In the Supreme
Court

Q. About how long? A. About two minutes.

Q. You saw Fedlie Brown there? A. Yes sir.

Prosecution
Evidence

Q. You didn't go to look work or anything? You
didn't go to look work from Manasah Scarlet?
A. Work? No sir.

No. 9

Q. Is not lower Buxton you live? A. Yes sir.

Augustus
Johnson

10 Q. How far is that from Simm's Run? Don't Lower
Buxton is a different area, man? A. Is Lower
Buxton I live, sir.

Cross-
examination

Q. How far from Simm's Run is Lower Buxton
A. About ten miles, sir.

12th December
1968

(continued)

HIS LORDSHIP: Lower Buxton is ten miles from
Simm's Run? A. From Simm's Run to Lower
Buxton is about ten miles.

HIS LORDSHIP: But you said you live in your
field, six chains away. A. I live at Lower
Buxton and work in the mountain.

20 HIS LORDSHIP: And you have a house in the
mountain? A. Yes sir.

DEFENCE COUNSEL: That mountain that you work in is
what, Government land? A. No sir.

Q. Whose land? A. My own sir, for is I buy it.

Q. Buy it from who? A. A man them call Hayden, sir.

Q. I put it to you, you capture the piece of
mountain. A. No sir, I buy it.

Q. What you plant in the field? A. Yam.

30 Q. Then you walk ten miles? You couldn't get
a piece of land in Lower Buxton to buy?
A. I buy in Lower Buxton too.

Q. What you cultivate there? A. Me live there sir.

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Cross-
examination

12th December
1968

(continued)

- Q. Only live there? A. Yes sir.
- Q. How often you go to your field in the mountain?
A. Every Monday morning me go up, sir.
- Q. You stay there the whole day or what?
A. Until Saturday.
- Q. You stay there until Saturday? A. Yes sir.
- Q. What, you have a house on the land? A. Yes
sir.
- Q. Now when the three men came to Dahlia's yard
did you leave and come back? A. Leave from
where? 10
- Q. Did you leave the three men and come back?
A. No sir, I went round and trail the men
them and after we trail the men them and the
men them took the hill we come back.
- Q. They took anything from you? A. From me
sir, no sir.
- Q. Like a little weed? A. No sir.
- Q. They took any from Fedlie? A. I don't
know sir for I never see Fedlie with any. 20
- Q. Plenty weed plant up there though. A. I
don't know.
- Q. You never see that? A. No sir.
- Q. Now you said the shot passed you? A. Yes
sir.
- Q. You know how near the shot come to you,
the gun shot? A. No sir, I don't know
how near.
- Q. Now you decided to trail the men? A. Yes
sir. 30
- Q. But you stand up on the level; you didn't
go up with the others on the hill?
A. No sir.
- Q. Why? A. Because me did tired sir.

Q. You should drink a little more water and go up.
A. Me drink sir but me still could not go up
the hill. Me still beg more to drink.

In the Supreme
Court

Q. Where, Dahlia? A. No sir, up the same place
where the man climb the hill.

Prosecution
Evidence

Q. You did not want to go up the hill because
you 'fraid. You never 'fraid? Fearron,
Granville Fearron, you saw him that day?
A. Granville Fearron?

No. 9

Augustus
Johnson

10 HIS LORDSHIP: You know him? A. No sir.

DEFENCE COUNSEL: Now you said the people divided
into groups? They went in different
directions? A. Yes sir.

Cross-
examination

12th December
1968

Q. Like circling the man or what? A. Circling,
some dey so, some dey so and some dey so

(continued)

Q. About how many people in all? A. I don't know.

Q. Plenty or what? A. Plenty.

Q. Like about 30 or so? A. No, sir, it not so
much.

20 Q. About how many? A. About 15 sir.

Q. And some with sticks and all them things dey?
A. I don't know, sir.

Q. Speak up loudly? A. I don't know if them have
sticks sir.

Q. You didn't see anyone with sticks? A. No sir.

Q. When they were up the hill and you on the level
you could see them? A. I see them one time.

Q. I don't mean the three men, I mean the crowd of
people. A. No sir.

30 Q. You couldn't see them? A. No sir.

Q. Did you see Cecil Henry there that day at all?
A. Me see him the night when the officer them
come.

In the Supreme
Court

Prosecution
Evidence

No. 9

Augustus
Johnson

Cross-
examination

12th December
1968

(continued)

Q. You didn't see him before that? A. No sir.

Q. Cecil Henry, he has a field round the area?
A. Please sir.

Q. Cecil Henry? A. If him have a field, sir?
I don't know sir.

Q. You don't know if he has a field in Simm's
Run? A. He don't work which part I work, sir.

Q. But he works in the area? A. Yes, he work
another section of place.

Q. How far from you? A. About a mile. 10

Q. But you know him well, is your friend?
A. No sir. I only know him.

Q. I am putting it to you, you know that you
all trailed the three men to catch them and beat
them for taking away the ganja...? A. I
don't know about the ganja, sir.

Q. That everybody in the little ganja section
society join up..? A. No sir.

Q. Hand in hand..? A. I don't know, sir.

Q. To protect the mutual interest, man? 20
A. No sir.

Q. Ganja is valuable or not valuable?
A. I don't know, sir.

Q. You don't know if it is valuable - it has
any value? A. I don't know.

Q. You never see it? A. No sir.

Q. You ever smell it? A. No sir.

Q. I am putting it to you, you know, that you
want to catch these men because they had taken
away something, that is why you trail them? 30
A. I don't know sir.

Q. Then what is the reason why you trail them?
A. Because him get in the man house.

Q. That is the only reason? A. Yes sir.

Q. You didn't trail them because they fired at you: You didn't consider that? A. Trail them because we figure them as robber, sir.

HIS LORDSHIP: Any re-examination?

CROWN COUNSEL: No re-examination, m'lord.

In the Supreme Court

Prosecution Evidence

No. 9

Augustus Johnson
 Cross-examination
 12th December 1968
 (continued)

No. 10

IPHILIOUS BLISSETT

No. 10

Iphilous Blissett

IPHILIOUS BLISSETT: SWORN: EXAMINED BY CROWN COUNSEL, MR. CHAMBERS

Examination

10

Q. Is your name Iphilous Blissett? A. Yes sir.

Q. And are you a district constable attached to the Alexandria Police Station in St. Ann?
 A. Yes sir.

Q. Where do you live? A. Higgin Land.

Q. That is in this parish? A. Yes sir.

Q. Do you remember Tuesday, the 14th of May of this year? A. O yes, sir.

Q. At about 6.00 p.m., did you receive a report? A. O yes sir.

Q. And did you go to Alexandria Police Station?
 A. Yes sir.

Q. At about 9.30 p.m. that day did you accompany Sergeant Hinds to Simm's Run?
 A. Yes sir

Q. To a place called Bugger Hill? A. Bugger Hill, sir.

12th December 1968

20

In the Supreme
Court

Prosecution
Evidence

No. 10

Iphilous
Blissett

Examination

12th December
1968

(continued)

Q. There, did you see the body of a man?
A. Yes sir.

Q. You noticed anything about the body?
A. Yes sir; it was bleeding from a wound over his left eyebrow.

Q. Dead? A. Dead.

HIS LORDSHIP: You got his name?

CROWN COUNSEL: You got his name? A. Yes sir.

Q. As...? A. As Cecil Henry.

Q. Did you remain on guard? A. O yes sir.

10

Q. On the body? A Yes sir.

Q. Until what time? A. Until around 7.00 a.m. in the next morning when...

Q. Now the next morning, now, did you notice anything? Yes sir.

Q. What you noticed? A. A notice a hole into a plum tree for about five feet from where the deceased was lying and I went to it and put my knife.....

HIS LORDSHIP: Just a moment. From where the deceased was lying? A. Yes sir.

20

HIS LORDSHIP: His head or his foot or his side or what? A. His head. Five feet from his head.

CROWN COUNSEL: You say you went and probed the hole with your knife? A. Yes sir.

Q. And did you find anything in this hole?
A. Not with the knife until I chopped out the hole, sir.

Q. You cut out the hole? A. Yes sir.

30

Q. And then did you find anything? A. Yes sir, I found something.

Q. What you found? A. A spent bullet there sir.

Q. Did you keep this bullet in your possession?
A. O yes sir.

In the Supreme
Court

Q. And did you later hand it over to Inspector
Kirlaw? A. O yes sir.

Prosecution
Evidence

Q. Did- the body was later that day removed?
A. Yes sir.

No. 10

Q. Will you look at that for me, Mr. Blissett?
Is that the bullet which you cut out of the
tree? A. Yes sir, something like this.

Iphilous
Blissett

10 CROWN COUNSEL: M'Lord, may that be tendered as
exhibit two?

Examination

HIS LORDSHIP: Tell me something; you say it was
five feet from the head of...? A. The
deceased.

12th December
1968

(continued)

HIS LORDSHIP: What I want to know, was . the
tree before you reach his head or was the
tree behind his head? You had to pass the
head to go down the tree? A. Yes sir, his
head was there, sir and the tree was five
feet from here to here.

20

Q. Now did Inspector Kirlaw come to this place?
A. O yes sir.

Q. And you showed him the tree? A. Yes sir.

CROWN COUNSEL: Perhaps the jury would like to
see the exhibit, m'lord.

HIS LORDSHIP: You want to see the bullet?

FOREMAN: Yes sir.

(Jury shown exhibit two, the bullet)

CROWN COUNSEL: If it pleases you, m'lord,
perhaps this would be a convenient time.

30

In the Supreme
Court

No. 11

JOSEPH LAWRENCE

Prosecution
Evidence

JOSEPH LAWRENCE: SWORN: EXAMINATION BY MR. KERR

No. 11

Joseph Lawrence

Examination

13th December
1968

Q. Is your name Joseph Lawrence? A. Yes, sir.

Q. You have to speak up loudly so that the jury can hear, and the prisoner and the Judge.

A. Yes, sir.

Q. Now, are you a cultivator? A. Yes, sir.

Q. Do you live at Simms Run in the parish of St. Ann? A. Yes, sir.

10

Q. Now, on Tuesday the 14th of May, this year in the afternoon, where were you? A. At my field, sir.

Q. And is your field at Simms Run in St. Ann? A. Yes, sir.

Q. Do you know Dahlia Campbell? A. Yes, sir.

Q. And do you know her home? A. Yes, sir.

Q. Now, how far is her home from your field where you were working that day? A. About a mile, sir.

20

Q. About a mile eh? A. Yes, sir.

Q. Now, that day while you were in the field did you notice anything? A. Yes, sir.

Q. What you noticed? A. A see three man pass there, sir.

Q. Did you know them before? A. No, sir.

Q. Where were they passing? A. Passing me at me field.

Q. Yes? Were they walking? A. Yes, sir.

Q. Where were they walking in the road, bush track, on the road? A. Track, sir.

30

- | | | |
|----|--|----------------------|
| | Q. I see, and what direction were they coming from? A. Them coming the direction from Miss Dahlia yard, sir. | In the Supreme Court |
| | Q. Now, can you describe the men for the jury? What sort of men, could you describe them? A. Two tall man, sir, and one short one. | Prosecution Evidence |
| | Q. Were they of the same colour, the three men, were they of the same colour? A. No, sir, no, sir. | No. 11 |
| 10 | Q. What difference? A. One black one, sir, and two brownish colour. | Joseph Lawrence |
| | Q. Now, which one was the short one? A. The one way walk before, sir. | Examination |
| | Q. What colour was he? A. Dark complexion, him was the blackest one. | 13th December 1968 |
| | Q. He was the blackest one? A. Yes, sir. | (continued) |
| | Q. Speak up, please. Do you see any of the men here today, any of the three men here today? A. Yes, sir. | |
| 20 | Q. Where? A. See one there, sir. | |
| | Q. Where is he? A. See him there, sir. (Pointing at accused.) | |
| | Q. Which of the three was he? A. This was the one in front, sir. | |
| | Q. He was in front? A. Yes, sir. | |
| | Q. Is he one of the tall ones or is he the short one? A. He is the shortest one. | |
| | Q. And did they have anything with them when you saw them first on the road there? A. Yes, sir. | |
| 30 | Q. What? A. See two of them carry bag. sir. | |
| | Q. Which two? A. One of the short one - the short one in front carry a bag and one of the back one. | |

HIS LORDSHIP: Speak up, man, who of the two of them

In the Supreme
Court

Prosecution
Evidence

No. 11

Joseph Lawrence
Examination

13th December
1968

(continued)

carry bag and what?

MR. KERR: The short one in front and one of the back one. And how were they walking, slowly, medium or fast? A. Don't really walk, sir.

Q. They what? A. Fast in walk, sir.

HIS LORDSHIP: Walking fast? A. Yes, sir.

MR. KERR: After they passed you did you see anybody else on the road? A. Yes, sir, me see four man a minute after.

Q. Did you know those four men? A. Yes, sir. 10

Q. Do you know any of them by name? A. Yes, sir.

Q. Name some of them for me. A. Three was Brown, sir.

Q. Three of them name Brown? A. Yes, sir.

Q. Do you know what the other one name is? A. Johnson, sir.

Q. Augustus Johnson? A. Yes, sir.

Q. And what direction they were coming from? A. Coming direction from Miss Dahlia yard, sir. 20

Q. Now, these four men when they got to you did they speak with you? A. Yes, sir.

Q. Now, as a result of this talk you had with them did you do anything? A. Them say, "Come ..."

Q. We know they talk with, what did you do? Did you remain in your field? A. Yes, sir.

Q. You didn't move? A. Me move with them and them talk with me and me move with them. 30

Q. In what direction? A. Coming to Higgin Land.

- | | | |
|----|--|-----------------------------------|
| | Q. And how was that in relation to where the men had gone? Was it in a different direction or was it in the same direction?
A. Talk again, sir. | In the Supreme Court
<hr/> |
| | Q. When you move with the men what direction you move? A. Coming to Higgin Land. | Prosecution Evidence
<hr/> |
| | Q. And what direction had the three men gone?
A. When them do ne ketch the turning to Higgin Land, sir, them turn up. | No. 11
Joseph Lawrence |
| 10 | Q. Did they go to Higgin Land too, the three men?
A. No, sir, them branch off. | Examination |
| | Q. Where were you going with the four men?
A. Them say mek we see if we can ketch them, sir. | 13th December 1968
(continued) |
| | Q. So you move off with the four men? A. Yes, sir. | |
| | Q. Now, you say they branched off into the hill?
A. Right, sir. | |
| 20 | Q. And this place that they branch off, you know the name of it? A. Yes, sir, Bugger Hill. | |
| | Q. Bugger Hill? A. Yes, sir. | |
| | Q. Now, did - when they branch off now did you go up into the hill? A. Yes, sir. | |
| | Q. Other men too? A. Yes, sir. | |
| | Q. Did you all go into one group or there were several groups? A. After we ketch into the bush, sir, we differ. | |
| | Q. That is several groups? A. Yes, sir. | |
| | Q. You know Cecil Henry? A. Yes, sir. | |
| 30 | Q. Was he in any group? A. Same as we and him meet up, sir ... | |
| | Q. Yes, but when you go up into the hill was he in any group, was he with anybody?
A. All of us was into the hill, sir. | |

In the Supreme
Court

Prosecution
Evidence

No. 11

Joseph Lawrence

Examination

13th December
1968

(continued)

Q. I see, what about a man name Fenton, was he there too? A. Yes, sir.

Q. Now, after you got into the groups did you hear anything? A. Yes, sir.

Q. What you heard? A. I hear gun fire, sir.

Q. One shot or more than one? A. Two, sir.

Q. Two shots? A. Yes, sir.

Q. And what direction did you hear the gun, where the sound come from? A. I was away there, sir, and the shot come from just in the sticky part of the woods.

10

Q. In the sticky part of the bush? A. Yes, sir.

Q. Now, where the sound come from, you see, in relation to where the three men turn, how was that - was it in a different direction or the direction where the men were?
A. same direction where the man them was, sir.

Q. Now, after you heard the shots, the two shots ...? A. Yes, sir.

20

Q. ... what happened next? A. Fearon call out, sir.

Q. You heard Fearon call out? A. Yes, sir, say them shoot one of the man.

Q. How far off now was Fearon from you when you hear him cry out? Show us, like you here, where Fearon was? A. He was before me, sir.

Q. About how far out? A. In the direction of the men.

30

Q. About how far off? A. Just a little ways, sir.

Q. Point it out, like you are there, where you hear fearon cry? A. Right where you see the policeman stand up there, sir, and

I was a back, way round here.

In the Supreme
Court

Q. And your back like in that corner? A. Yes, sir.

Prosecution
Evidence

Q. I see, and did you look towards Fearon when him cry out? A. No, sir.

Q. You didn't go but did you look that way? After him cry out did you see anybody? A. Yes, sir, me hear somebody call say the man them run out and come down and ...

No. 11

Joseph Lawrence

10 Q. And what did you do? A. Me turn down the hill, sir, behind them.

Examination

13th December
1968

Q. And did you see them? A. Yes, sir.

(continued)

Q. Where? A. Them going on through the place, turn off the hill and going French Land way.

Q. Did you follow them? A. Yes, sir.

Q. Now, did you notice anything about them, did they have anything? A. Yes, sir.

Q. What? A. Short one have a gun, sir.

Q. What sort of gun? A. One short one, sir.

20 Q. Short gun? A. Yes, sir.

HIS LORDSHIP: That is this man? (Pointing at accused.) A. Yes, sir.

MR. KERR: And when you saw him with the gun - what is the nearest you got to him when you see him with the gun? What is the nearest point you got to him? A. Through me see him with the gun, sir, I couldn't go up near to him - keep a little ways off him.

Q. Point out what you call a little ways.

30 A. From down quite out a market way, sir.

Q. From here to? A. Out a market.

Q. But could you see him clearly? When he had the gun could you see him? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No. 11

Joseph Lawrence

Examination

13th December
1968

(continued)

Cross-
examination

Q. Now, do you remember the clothes the men were wearing, any of them? A. One was wearing a red ganzie shirt, sir.

HIS LORDSHIP: Who? A. One of the tall one was wearing a red ganzie shirt.

MR. KERR: I see. Now, in June did you go up to Kingston? A. No, sir, I was late the morning.

Q. But did you go to Kingston? A. No, sir.

Q. You didn't go? A. No, sir, when the van came I were late.

10

Q. Of, you were to go to Kingston?
A. Yes, sir.

Q. For what purpose? A. To identify the men them.

Q. But you were late for the van? A. Yes, sir.

JOSEPH LAWRENCE: CROSS EXAMINED BY DEFENCE
COUNSEL, MR. ROPER

Q. You know what shirt the other men were wearing? A. No sir.

20

Q. You can remember if you saw more than one or only one red shirt? A. One red shirt, red ganzie.

Q. And you said from here to the market you saw the man with the gun? A. Yes sir.

DEFENCE COUNSEL: What distance would that be, m'lord? It seems to be about five chains. And that, from here to the market, that is five chains, that was in the bushes?
A. Yes, sir.

30

Q. How many of you in your group that were trailing them when you said you saw them from here to the market? A. Three of us saw and a little boy.

Q. Who were those three? You and who else?

A. Me and Granville Fearron and George Parry.

In the Supreme
Court

Q. You saw Granville Fearron with a piece of stick? A. No sir.

Prosecution
Evidence

Q. You never see him with a stick? A. No sir.

Q. You had a stick? A. No sir.

No. 11

Q. When you saw Cecil Henry he had a stick?
A. No sir.

Joseph Lawrence

Q. Nobody had sticks? A No sir.

Cross-
examination

10

Q. While you were in the bushes you see, did you hear a voice say, 'Palmer, come and bring your gun?' A. Say what, sir?

13th December
1968

Q. Did you hear a voice while you were up in the hills saying, 'Palmer, Palmer, come and carry you gun?' A. No sir.

(continued)

Q. How many shots in all you hear fire in the hills? A. Two.

Q. Only two? A. Yes sir.

20

Q. And it was at the second one that you hear the voice say that the man get shot when you hear Fearron say the man get shot? A. Yes sir.

Q. So the very nearest you say you got to the men was from here to the market? You did not get any nearer? A. Yes sir.

Q. The man lost you? You lost sight of them?
A. Yes sir.

Q. Did you see Cecil Henry drop to the ground or anything? A. What sir?

30

Q. Cecil Henry, did you see him? A. Yes, we met up.

HIS LORDSHIP: Did you see when he dropped?
A. No sir, I never see him.

DEFENCE COUNSEL: You know why he dropped?
A. What, sir?

In the Supreme Court

Prosecution Evidence

No. 11

Joseph Lawrence

Cross-examination

13th December 1968

(continued)

Q. You know why Cecil Henry dropped? A. Yes sir, I did go on the spot the night.

Q. When you hear the voice that a man get shot, you see? A. Yes sir.

Q. About how long before that did you last see Henry? You understand me? A. Same as we go into the bush me and Cecil Henry met up. After him get shot me no see him again.

Q. What I am saying is that you hear a voice saying that a man get shot? A. Yes sir.

10

Q. How long before that did you see Cecil Henry? A. Just a minute after. Same as me and him meet up we differ up, for we was searching for theman them and he was the nearest to them.

Q. You see, I am putting it to you that you are making a mistake when you say you saw this man with the gun. A. No sir, the thing that I see is it me talk sir.

20

Q. But you say you can't remember what shirt he was wearing? A. No sir.

CROWN COUNSEL: No re-examination, m'lord.

HIS LORDSHIP: Thank you.

No. 12

George Parry

Examination

13th December 1968

No. 12

GEORGE PARRY

GEORGE PARRY: SWORN: EXAMINED BY CROWN COUNSEL, MR. KERR

Q. Now is your name George Parry? A. Yes sir.

Q. Mr. Parry, are you a farmer? A. Yes sir.

30

Q. Do you live at Simm's Run? A. Yes sir.

Q. Do you know Dahlia Campbell? A. Yes sir.

Q. You know where she lives? A. Yes sir.

- | | | |
|----|---|--|
| | Q. Where does she live? A. She live at Simm's Run sir. | In the Supreme Court |
| | Q. Now, on Tuesday the 14th of May in the afternoon, this year in the afternoon, where were you? A. I was in me field. | -----
Prosecution Evidence
----- |
| | Q. And is your field at Simm's Run? A. Yes sir. | No. 12 |
| | Q. The same district as Dahlia Campbell? A. Yes sir. | George Parry |
| 10 | Q. About how far from her home? A. About half mile sir. | Examination |
| | Q. And while you were in your field did you notice anything? A. Yes sir. | 13th December 1968 |
| | Q. What? A. While I was in me field I hear a talking and when I go near and look I saw three man. | (continued) |
| | Q. About what time was this? Give us an estimate. A. Around from four to four thirty because school children was coming home. | |
| 20 | Q. That is in the afternoon? A. Yes sir. | |
| | Q. And when you saw them where were they? A. They were on the track. | |
| | Q. Does this track pass by your field? A. Right between my place. | |
| | HIS LORDSHIP: What? A. It pass right between my field sir, the track. | |
| | HIS LORDSHIP: Through it? A. Yes sir, right through it. | |
| 30 | Q. And from what direction were they coming? A. They was coming from back Dahlia Campbell and coming going up to... | |
| | HIS LORDSHIP: Higgin Land? | |
| | CROWN COUNSEL: Would you describe the men that | |

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Examination

13th December
1968

(continued)

- you saw? A. Since the court start?
- Q. No, no, could you describe the men you saw, the men that you saw on the road? Could you tell me how they looked? A. Two was taller than one.
- Q. You see any of them here today? A. Yes sir.
- Q. One of the tall ones or the short one?
A. I saw one of the short ones.
- Q. You said two were taller than one? A. Yes sir.
- Q. Where is the one you see today? A. See one there - two.
- Q. You see any more? A. Yes sir, see another one there.
- Q. Which one is the short one? A. This is the short one. (Witness points to accused)
- Q. Now, they were passing; did you speak to them? A. Yes sir.
- Q. What you said? A. When I was in me field and see the three men passing and didn't call to me and I say to them, 'Which man who passing through here like that?'
- Q. Did any of them answer you? A. No sir, they didn't answer.
- Q. Did you say anything further? A. Yes sir.
- Q. What? A. I said, 'Man oonoo stop dey for we don't allow stranger man to pass here like that.
- Q. Did any of them answer you? A. Two front ones - the three of them was going on and one in the front turned around and said, what we want; it favour like is some focking police man 'bout here.

10

20

30

Q. And Mr. Parry, how near they passed you in your field? A. Well, about a chain and a half or two chains because I was not near up.

In the Supreme
Court

Q. About a chain and a half to two chains from you? A. Yes sir.

Prosecution
Evidence

Q. And after you spoke did they continue on? A. Yes, they continue.

No. 12

10 HIS LORDSHIP: You are talking under your voice. They continued on? A. They continue journeying on.

George Parry

Examination

Q. Now, after the three men passed, did you see anybody else come along? A. Yes sir.

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1968

(continued)

Q. Who? A. Fedlie Brown and Augustus Johnson.

Q. Anybody else? A. I don't remember if anybody else sir, because when they come make the report....

Q. And they spoke with you? A. Yes sir.

20

Q. And after they spoke with you did you do anything? A. Yes sir.

Q. What? A. I go with them.

Q. Where did you go with them, in what direction? A. The direction of Higgin Land.

HIS LORDSHIP: Speak up. What direction? A. Higgin Land direction.

HIS LORDSHIP: That is how you must speak all the time, you see? A. Yes sir.

CROWN COUNSEL: Is that the same direction that the men had gone? A. Yes sir.

30

Q. Now, is there a place called Bugger Land - Bugger Hill? A. Yes sir.

HIS LORDSHIP: I am sure there is a history behind it.

CROWN COUNSEL: Did you reach there? A. Yes sir.

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry
Examination

13th December
1968

(continued)

- Q. What happened there? A. When we start, when Fedlie Brown....
- Q. When you got there what happened? Did you all keep together? A. No sir, we distribute up.
- Q. And you distribute singly or did you distribute in smaller groups? A. Where I turn is me one take that way.
- Q. Now you know the deceased man, Cecil Henry? Did you know him? A. Yes sir. 10
- Q. Did you see him? A. Yes sir, when we turn I passed him on the way.
- Q. Where you passed him? A. I passed him right at Joseph Lawrence gate.
- Q. And where did you go? You say after you split up, where did you go? You went alone you say, you went...? A. I went to the same hill but we didn't go one way.
- Q. You went up the hill? A. Yes sir, But we didn't go in one direction. 20
- Q. While you were there did you hear anything? A. Yes sir.
- Q. What you heard: A. I heard one gun ball.
- Q. Where you were when you heard that gun ball? A. I was a good distance on the hill.
- Q. And where the sound of the gun ball come from? A. upon the top of the hill.
- Q. Now after you heard that gun ball did you hear anything else? A. Yes sir.
- Q. What? A. I hear Granville Fearron said Cecil get shot. 30
- Q. So is one bullet you hear in all? A. Yes sir, is one.
- Q. And you hear Fearron cried out, 'Cecil

- Henry get shot? A. Yes sir.
- Q. What did you do when you hear that? A. I ask him say...
- Q. No, no, what you did? A. I was going up same time, same way.
- Q. You went up? A. Yes sir but I don't went to look at the dead.
- Q. You went toward Fearron but you did not get up there? A. Yes sir.
- 10 Q. When you got up there you saw Fearron?
A. Yes sir.
- Q. Did you do anything? A. Yes sir, Fearron was going after the man and trailing them.
- Q. Did you see the man, I asked?
- HIS LORDSHIP: Did you see Fearron? A. Yes sir.
- CROWN COUNSEL: You spoke with Fearron?
A. Yes sir.
- Q. Did you see the men? A. Yes sir.
- 20 Q. Where? A. Going on before Fearron down the hill.
- Q. Now were they - how many men? A. Same three men, sir.
- Q. And when you saw them, how far off were they?
A. Well I could not really give you the estimate, sir.
- Q. Just point out noh? A. I couldn't give no estimate here. When I saw them me was about here and them going on about out a building there.
- Q. Out at the crossing? A. Yes sir.
- 30 HIS LORDSHIP: The shop at the corner?
A. Yes sir.
- CROWN COUNSEL: They were going down and you up

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Examination

13th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Examination

13th December
1968

(continued)

on the hill: A. Yes sir.

Q. Then did you remain where you were or did you follow them? A. I followed Granville Fearron.

Q. Anybody else? A. Me and Fearron and Joseph Lawrence.

Q. I see. And while you were trailing them, did you notice anything? A. Yes sir.

Q. What? A. While they were trailing them?

Q. What happened? A. I saw - I couldn't tell you which one out of the three but I saw one have a bag. 10

Q. Yes, now while you were going on, did anybody speak? A. Yes sir. Meanwhile we were going on one out the three turned round and say we must come man, 'Come man, you see how fur we ketch we only want to ketch you too on a close place for dead man can't tell noh tales.'

Q. And where was this now? Was that in the bushes or on the road? A. In the bushes, sir, in the bush still. 20

HIS LORDSHIP: It was one of the three men who said this? A. Yes sir.

HIS LORDSHIP: You don't know which one? A. I don't know which one.

Q. Did you notice anything about any of them? A. Yes sir. When them use the word and turn round the short one turn round with a gun in his hand. 30

Q. With a gun in his hand? A. Yes sir, in the right hand.

Q. Tell me something, Mr. Parry, why were you trailing these men? What you wanted to do? A. When Fedlie Brown speak to me and Augustus Johnson?

Q. You trailed them? A. Yes sir, and after we trail them I tell them say, since them....

Q. Never mind.

HIS LORDSHIP: What you were trailing them for, to tell them howdido or to catch them or what?

A. To catch them sir, because them say them is robber.

In the Supreme Court

Prosecution Evidence

No. 12

George Parry

Examination
13th December
1968
(continued)

CROSS-EXAMINATION BY MR. ROPER

Cross-examination

10

Q. You remember what clothes the men were wearing? A. Say what?

Q. You remember what clothes they were wearing? A. I didn't take no great note of them clothes, what they were wearing.

Q. You can't. What sort of bags - how many bags you see the men them carrying?
A. One bag, I couldn't tell you what in the bag but I know I saw them with one bag.

20

Q. Big bag or small bag? A. Didn't pay much great attention to see what size of bag but one of them did have a bag over them shoulder.

Q. You so certain of one you can't be certain of which one was carrying the bag? A. No.

Q. And you can't be certain of which one spoke? A. No sir.

Q. All you know is that this one turn round with a gun? A. I know is this one turn round with a gun. I couldn't point to no other one beside that one, see when them turn round that one have a gun.

30

Q. You didn't attend any identification parade? A. I go there but I couldn't identify none of them because I didn't know them face

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Cross-
examination

13th December
1968

(continued)

- Q. You didn't go on the parade? A. No.
- Q. You tell the police you didn't know them face? A. Yes.
- Q. Now, Cecil Henry were walking with you for sometime in the hills? A. Please, I don't understand you, use thw word again?
- Q. You were in a group? A. No, we wasn't in a group, I pass Cecil Henry on the way when we was going.
- Q. You saw him on the road? That was on the road? A. That was on the road and from that time I never saw Cecil Henry again until I hear say him get shot. 10
- Q. But in the hills you saw Fearon, Granville? A. Yes, Granville.
- Q. And you and him walk for sometime in the hills? A. Me and Granville don't walk on the hill. We come down off the hill when Granville Fearon holler out say Cecil Henry get shot. 20
- Q. That time you saw Fearon when he called out? A. At that time I saw Fearon.
- Q. You saw him with anything? A. No, I didn't saw him with nutting.
- Q. You had stick? A. No.
- Q. Anybody had stick? A. I couldn't tell if anybody did have but I am certain for myself that I did not have stick or cutliss or nutting at all.
- Q. And you hear gunshots and you didn't 'fraid and carry a piece of stick or something? A. I didn't carry no stick. 30
- Q. You trail the men empty handed so?
- A. Yes, sir, a same way me was going because me wasn't checking say nutting like what going on would be going on. I lef' up to me cutliss a me yard.

- Q. How many shots in all you hear fire? A. One.
- Q. That is the only one you hear? A. That is the only one I hear.
- Q. About how many of you in all go up into the hill? A. Didn't count them.
- Q. Plenty? A. I see plenty but we didn't count them so I couldn't tell you what amount.
- Q. You say your field is about a quarter mile from ...
- 10 MR. KERR: Half he said.
- MR. ROPER: ... half mile from Dahlia? A. Yes, sir.
- Q. You know Dahlia well? A. Say if me know Dahlia yard?
- Q. You know Dahlia? A. Yes, sir.
- Q. She is your friend? A. Sister-in-law.
- Q. Is your sister-in-law? A. Yes, sir.
- Q. You saw Dahlia that day? A. Late in the evening.
- 20 Q. About what time? A. In the night around from 7.00 o'clock; from 7.00 to 8.00.
- Q. You know Cecil Henry all right, did you see him before you passed him on the road, did you see him earlier on? A. No.
- Q. But he has a field near to you? A. Yes, him have a field near to me but not this part.
- HIS LORDSHIP: Speak up, please. A. Him have a farm near to me but not in this one we speaking about where the road came through.
- 30 HIS LORDSHIP: Near to another field that you have? A. Sir?
- HIS LORDSHIP: He has a farm near to another field that you have? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Cross-
examination

13th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No. 12

George Parry

Cross-
examination

13th December
1968

(continued)

MR. ROPER: When the men passed when you were in your field and you wanted a howdy from them, you didn't see them carrying anything?

A. I didn't take no great notice of that.

Q. Well, what you can remember? A. Beside I know that three man pass.

Q. You didn't see them with bags? A. No, I didn't see them with no bags beside the bag way I see them carry? one bag.

Q. Don't look like you observe well, man. What sort of bag? What type of bag?

10

A. It must be either a crocus bag because me don't know of any bag beside a crocus bag.

Q. It look like a crocus bag to you? A. Yes, it look like a crocus bag to me.

Q. How many of them? A. Three of them.

Q. How many crocus bags? A. Is one bag I see them with.

Q. And who carry that bag? A. I couldn't tell you which one of them carry the bag, is in the lot, I see three of them and one carry the bag.

20

Q. They carry the bag over the shoulder or in their hand or what? How they carry the bag? A. Them hold the bag this way, over them shoulder.

Q. You see, I am putting it to you that you never saw this man with any gun at all, you make a mistake. A. Me, sir?

Q. Uh, uh. A. No, sir, if I make a mistake by see that man with a gun me would blind. I see him naturally with the gun, when him turn round him have the gun in him right hand, when him turn round.

30

Q. And you can't remember any colour of the clothes he was wearing? A. No, sir, never take notice.

- | | | |
|-------|--|--|
| | Q. You saw them twice, saw them when they pass you in the field and you saw them in the hills. How long after from they pass you in the field untill you see them in the hills, how long was that? A. Is about half hour time, don't think it could shorter. | In the Supreme Court

Prosecution Evidence
----- |
| 10 | Q. And you still can't remember anything about the clothes or anything? A. No, sir, don't remember nutting at all about no clothes and I will not give what I don't remember. I hear what the bible say, me mus' speak the truth and a it me da 'poke. | No. 12
George Parry
Cross-examination |
| | HIS LORDSHIP: All right.

Any re-examination? | 13th December 1968 |
| | MR. KERR: None, M'Lord. | (continued) |
| ----- | | |
| | JUBERT CAMPBELL: SWORN: EXAMINATION BY MR. CHAMBERS | No. 13 |
| | WITNESS: Jubert Campbell. | Jubert Campbell |
| | Q. Are you a sergeant of police? A. Yes, sir. | Examination |
| 20 | Q. Stationed at Central Police Station in Kingston? A. Yes, sir. | 13th December 1968 |
| | Q. You remember Wednesday the 12th of June of this year? A. Yes, sir. | |
| | Q. Did you conduct an identification parade? A. Yes, sir. | |
| | Q. At the Central Police Station? A. Yes, sir. | |
| | Q. Between what hours? A. Between 2.10 p.m. and 2.35 p.m. | |
| 30 | Q. And whereabouts at the station did you conduct the parade? A. The parade was conducted in the cell block, in a passage in the cell block at the Central Police Station, sir. | |

In the Supreme
Court

Prosecution
Evidence

No. 13

Jubert
Campbell

Examination

13th December
1968

(continued)

Q. Was that an enclosed area? A. Yes, sir.

Q. And you conducted more than one parade?
A. Yes, sir.

Q. On the first parade who were the persons?
A. Suspect was Segismund Palmer, sir.

Q. The accused? A. The accused, sir.

Q. And how many men were there on that parade?
A. There were nine men on the parade, sir,
including the accused.

Q. Can you tell us about these persons on the
parade? A. The persons on the parade were
of similar height and appearance and also
their position in life. 10

Q. Now, did you speak to the accused? A. Yes,
Sir.

Q. What did you tell him? A. I told him the
reason for the parade, sir, and his right to
have a solicitor or a friend present if he so
desire and also if he want to take any
position in the line he could do so. 20

Q. Yes, and what position did he take?
A. He took number 9 position from the left
facing me, sir.

Q. When you say you told the accused of his
right of having a friend or a solicitor
present did the accused say anything?
A. No sir, him say him never want anybody.

HIS LORDSHIP: Speak up, please sergeant,
did not want anyone? A. Yes, sir.

MR. CHAMBERS: Yes, and after the parade was
arranged who came on? A. I introduced
the first witness, sir, Granville Fearon. 30

Q. Did you know where he came from on to the
parade? A. He came from up the C.I.D.
office, sir, where he have to be got by
a telephone because he is a distance away.

- | | | |
|----|---|--------------------------------------|
| | Q. Distance away, you had to get him by telephone?
A. Yes, sir. | In the Supreme
Court |
| | Q. And when Fearon attended on the parade did you
speak to him in the presence and hearing of the
accused? A. Yes, sir. | Prosecution
Evidence |
| | Q. What did you say to Fearon? A. I asked him if
he know the reason why he was there, sir. | No. 13 |
| | Q. Yes, and did he reply? A. Yes, sir, he say he
was there to identify a man. | Jubert
Campbell |
| 10 | Q. Did you give him any instructions? A. Yes,
sir. | Examination |
| | Q. What instructions you gave him? A. I told
him, sir, to look along the line of persons
and if he - and look if he see the man who with
two others at about 3.30 p.m. 14th of May, 1968,
ran past him at Simms Run with gun in hand and
later that same evening saw the same three men
at Bugger Hill and the man with the gun pointed
it at Henry and himself. | 13th December
1968
(continued) |
| 20 | Q. That is what you told Fearon? A. Yes, sir, and
heard an explosion, sir, and Henry fell to the
ground. | |
| | Q. Now, when you said that to Fearon did he do
anything? A. He look along the line of persons
and touch Number 2. in the line. | |
| | Q. You say at that time the accused was in No. 9
position? A. No. 9 position, yes, sir. | |
| | Q. What happened to Fearon after that?
Fearon was sent off the parade, sir. | |
| 30 | Q. After Fearon left the parade did you speak
to the accused? A. Yes, sir. | |
| | Q. What did you say to him? A. I told him,
sir, that he could, if he wanted to change his
position in the line he could do so. | |
| | Q. And did he say or do anything? A. He say
he will remain where he was, sir, in No. 9
position. | |

In the Supreme
Court

Prosecution
Evidence

No. 13

Jubert
Campbell

Examination

13th December
1968

(continued)

- Q. And what happened after that?
A. And then I introduced the second witness who was called by telephone to the parade.
- Q. What was his name? A. Fedlie Brown.
- Q. He came on the parade? A. Yes, sir.
- Q. And did you speak to him in the presence and hearing of the accused? A. Yes, sir.
- Q. What did you say to him? A. I told Fedlie Brown that he was there to identify a man who with two others he saw at about 3.45 p.m. on the 14th of May, 1968, at the home of Dahlia Campbell. 10
- Q. Yes? A. Told him to look along the line and if he see the person he should touch him.
- Q. And what happened when you told Fedlie Brown that? A. Fedlie Brown look along the line up and down and went straight to the accused and touch him and said, "This is the man."
- Q. Did the accused say anything? A. No, sir, the accused made no statement. 20
- Q. What happened to Fedlie Brown after that? A. I sent Fedlie Brown off the parade, sir.
- Q. And after he left the parade did you speak to the accused again? A. Yes, sir.
- Q. What did you tell him? A. I told him, sir, if he wanted to change his position in the line he could do so.
- Q. Did the accused then say or do anything? A. He said he would retain his position, sir, at No. 9. 30
- Q. What happened after that? A. I introduced the third witness, sir, who was Dahlia Campbell. She was telephoned for.
- Q. Did she come on the parade? A. Yes, sir.

- | | | |
|----|---|----------------------|
| | Q. Did you speak to her in the presence and hearing of the accused? A. Yes, sir. | In the Supreme Court |
| | Q. What did you say to her? A. I told her that she was there to identify one of the men who with two others came to her home at about 3.30 p.m. on the 14th of May, 1968. | Prosecution Evidence |
| | Q. Yes? A. I told her to look along the line of persons and if she see such a man she should touch him. | No. 13 |
| 10 | Q. Yes? A. She looked up and down the line and went and touch the accused. | Jubert Campbell |
| | Q. Did she say anything when she touched him? A. Yes, sir, she said, "This is the man". | Examination |
| | Q. Did the accused say anything? A. Accused made no statement, sir. | 13th December 1968 |
| | Q. What happened to Dahlia Campbell after that? A. Dahlia Campbell was sent off the parade. | (continued) |
| 20 | Q. Yes, and did you speak to the accused? A. Yes, sir, I asked the accused if he was satisfied with the manner in which the parade was conducted.. | |
| | Q. Yes, and...? A. And the accused said yes. | |
| | Q. And what did you then do? A. I then dismissed the parade, sir. | |
| | Q. Did you conduct another parade? A. Yes sir. | |
| | Q. Who were the persons on that second parade? A. The suspect in that parade sir, was George Wilson. | |
| 30 | Q. And how many men were on that parade? A. There were nine men including George Wilson on the parade sir. | |
| | Q. Witnesses came on that parade? A. Yes sir. | |
| | Q. Who were the witnesses that came on that parade? A. Witnesses that came on that parade were Fedlie Brown, Dahlia Campbell and Granville Fearron. | |

In the Supreme
Court

Prosecution
Evidence

No. 13

Jubert Campbell

Examination

13th December
1968

(continued)

Q. And did any of the three of them identify George Wilson? A. Yes sir. All three witnesses identified George Wilson.

Q. Did you dismiss that parade after?
A. Yes sir.

Q. Now in respect of George Wilson, you see, you say all three, Fedlie Brown, Dahlia Campbell and Granville Fearron...?
A. Yes sir.

Q. Identified Wilson? A. Yes sir. 10

Q. Now what - who did Fedlie Brown identify George Wilson as? A. He identified George Wilson as the man who shot at himself, Dahlia Campbell and Augustus Johnson.

Q. Who did Dahlia Campbell identify George Wilson as?
A. She identified him as the man who shot at herself, Fedlie Brown and Augustus Johnson. 20

Q. Who did Granville Fearron identify George Wilson as?
A. He identified George Wilson as the man, one of the men who ran past him at Simm's Run at about three thirty p.m. on 14/5/68.

DEFENCE COUNSEL: No questions please.

No. 14

DR. PAUL MAGNUSIn the Supreme
CourtProsecution
EvidenceDR. PAUL MAGNUS: SWORN: EXAMINED BY CROWN
COUNSEL, MR. KERR

No. 14

Dr. Paul
Magnus

Examination

13th December
1968

10

Q. Is your name Paul Magnus? A. Yes sir.

Q. And are you a registered medical practitioner?
A. Yes sir.Q. And are you the medical officer in charge
of Alexandria medical district?
A. Yes sir.

Q. In the parish of St. Ann? A. Yes sir.

Q. Now, doctor, on the 15th of May, 1968, did
you perform a post mortem examination on the
dead body of a man?
A. Yes sir.Q. About what time did you do this. A. About
1.00 p.m. on the 15th of May, 1968.

20

Q. In your estimation how long before, after
death?
A. Approximately 21 hours after death.Q. And that body, was it identified to
you....? A. As Cecil Henry.Q. And who did the identification?
A. Daniel Henry of Rhoden Hall.Q. Now on external examination of the body,
doctor, did you notice anything?
A. Yes sir.

30

Q. What? A. There was a round hole a third
of an inch in diameter, one inch above the
left eyebrow about the middle of here.
(indicates)Q. Did you see any powder burns in that mark?
A. Yes sir.

In the Supreme
Court

Prosecution
Evidence

No. 14

Dr. Paul
Magnus

Examination

13th December
1968

(continued)

Q. Now, doctor, did you make dissection?
A. Yes sir.

Q. What did you notice doctor?
A. I opened the scalp and I noticed that the scalp was perforated and the hole continued through the inner table of the bone there, sir. (indicates) The dura was broken.

Q. What is the dura? A. The dura is one of the covering. The dura was broken and perforated and the hole continued through the frontal lobe of the brain.

10

HIS LORDSHIP: And the hole continued where?
A. Through the left frontal lobe of the brain. In the back the dura was also broken in the right occipital region of the brain.

CROWN COUNSEL: Occipital? A. Yes sir, the hole would go from here through the brain.

20

HIS LORDSHIP: The covering was also perforated where? A. It broke the dura on the occipital brain on the right. There was a wound through the frontal lobe passing through the central cavity of the brain and into the parietal occipital region here.

HIS LORDSHIP: There was a hole through...?
A. Through the frontal lobe on the left going through the central cavity of the brain and through the brain tissue in the back right portion of the brain, to the right occipital region. The bullet was found in the bottom of the cavity of the brain flattened and twisted.

30

CROWN COUNSEL: It didn't come outside the brain? A. No sir; it stayed within.

Q. Did you remove the bullet, doctor?
A. Yes sir.

Q. What did you do with it? A. I handed it

to the police.

In the Supreme
Court

Q. Corporal Hinds? A. Yes sir.

Q. Is this it? (Witness shown bullet) That is
the bullet? A. Yes sir.

Prosecution
Evidence

CROWN COUNSEL: Exhibit one, may it please
you, m'lord. In your opinion doctor, what
was the cause of death? A. It was due to
the destruction of the critical and essential
part of the brain tissue by a bullet.

No. 14

Dr. Paul
Magnus

10 Q. After receiving an injury like that
doctor, would the deceased man have lived
for any time? A. No sir, very shortly.

Examination

Q. He would have died very shortly after?
A. Very shortly.

13th December
1968

(continued)

Q. Now you said doctor, earlier you saw no powder
burns on the entrance? A.No sir.

20 Q. The absence of powder burns, is it of
any particular significance? A. Yes
sir. It means that it was not close
enough to receive powder burns.

Q. Close enough to assume it is a revolver
bullet, you say it was not close enough?
A. Yes, if it is within a couple of feet
I would expect it to burn.

Q. Beyond how many feet? A. I would say
six feet, or not much beyond six.

Q. It would have to be facing the assailant?
A. Yes sir.

DEFENCE COUNSEL: No questions, m'lord.

30 CROWN COUNSEL: M'lord, may the doctor be
released?

HIS LORDSHIP: Yes, the doctor may be
released

CROWN COUNSEL: May it please you m'lord,

In the Supreme
Court

Prosecution
Evidence

No. 14

Dr. Paul
Magnus

Examination

13th December
1968

(continued)

this day, I believe is a day of domestic obligations for many of us. I am wondering if your Lordship has in mind to sit this afternoon or your Lordship feels that your obligations are such that some respect be made to them.

HIS LORDSHIP: We couldn't get in Mr. Kirlew?

CROWN COUNSEL: M'lord I would rather not take him before Valentine; and he is not here. They have sent him down to St. Elizabeth and he is now working in Nain. I do hope to have him here Monday morning.

10

HIS LORDSHIP: I have to give the Registrar some intimation about Port Maria over the week end. You still think Thursday is safe?

CROWN COUNSEL: I think Thursday is safe, m'lord. We have a whole week end to locate this man and there are only two more witnesses for the crown.

20

HIS LORDSHIP: Well, members of the jury, that is as far as we will go today. We have the whole week end. Please bear in mind that you are not to discuss this case with anyone or even be seen in the company of anyone who is associated with this case. So you will keep your council and re-assemble here at ten o'clock on Monday morning. Thank you.

30

NO. 15VALENTINE WILSONIn the Supreme
CourtProsecution
EvidenceNo.15Valentine
Wilson

Examination

16th December
1968

VALENTINE WILSON: SWORN:

EXAMINATION BY MR. CHAMBERS

- 10 Q. Is your name Valentine Wilson? A. Yes, sir.
- Q. What is your occupation? A. I am a mason, sir.
- Q. And where do you live? A. I live at 16 Crescent Road.
- Q. Is that in the parish of St. Andrew? A. Yes, sir.
- Q. And where are you working now? A. Well, I am working at Alpart now.
- Q. You are working at Alpart? A. Yes, sir.
- Q. That is in what parish? A. In St. Elizabeth, sir.
- 20 Q. For how long have you been working there now? A. Well, I have been working there for about six weeks now.
- Q. Where did you come from to court? A. You mean now, sir?
- Q. When you were coming where did you come from to court? Were you in Kingston last week? A. No, sir.
- Q. Where were you? A. I were at Nain, sir.
- Q. Did you know that this case was on for trial last week? A. No, sir, I never knew, sir.
- 30 Q. Now, do you know George Wilson? A. Yes, sir.
- Q. What is he to you? A. He is my brother.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

Q. And do you know the accused? A. Yes, sir.

Q. For about how long have you known the accused? A. Well, I know him over two years now.

Q. Now, do you remember Monday the 13th of May, this year? A. Yes, sir.

Q. Did you go anywhere that day? A. 13th of May this year?

Q. Yes, Monday. A. Monday, yes, sir.

Q. Where did you go? A. I go to Higgin Land 10

HIS LORDSHIP: Not hearing you you know, Mr. Wilson. The jury over there must hear you so you must throw your voice across the room so that they can hear you.

A. Yes, sir.

MR. CHAMBERS: Now, was it from your home at 16 Crescent Road that you left? A. No, sir.

Q. Well, when did you leave your home? A. We leave our home the ... 20

Q. What day of the week you left your home? A. It was a - (pause) - guess it was a Sunday, sir, but we leave town and come down on the Mayflower bus.

Q. Where you went? A. We came to Alexandra, sir.

Q. When you say, "We left town.." who left? A. Well, me leave town, my brother leave town and Palmer leave town.

Q. Palmer, the accused here? A. Yes, sir. 30

Q. Three of you left together? A. Yes, sir, all of we take the one transport.

Q. What time you left Kingston? A. We leave our home around 3.00 o'clock, sir.

Q. That is in the afternoon? A. Yes, sir, in the evening.

- Q. You took the Mayflower bus? A. Yes, sir. In the Supreme Court
- Q. And where did you take the bus to?
A. Well, we took the bus and come off at Bethany, sir. Prosecution Evidence
- Q. Now, do you know Bethany? A. Yes, sir. No.15
- Q. You have any relatives there? A. Yes, sir. Valentine Wilson
- Q. Who you have there? A. Me have me mother and me father. Examination
- 10 Q. Now, about what time was it you got to Bethany? A. Well, we get to Bethany after 9.00 in the night. 16th December 1968 (continued)
- Q. Did you sleep in Bethany that night?
A. Yes, sir.
- Q. Where you slept? A. Sleep at me father home, sir.
- Q. What about your brother, George, and the accused? A. Well, two of them sleep there too, sir.
- 20 Q. Now, the following morning did you go anywhere? A. Yes, sir.
- Q. Where you went? A. Well, we went back to Higgin Land direction.
- Q. What time did you leave Bethany? A. Well, we leave early in the morning, sir, after we have we tea, sir.
- Q. And which direction did you take? A. Well, we go St. D'Acre way, sir, and go Rosita and go like we going back to Bamboo.
- 30 HIS LORDSHIP: Speak up. A. Yes, we go St. D'Acre way and going back like we going travel back to Green Hill and come to Simms Run.
- MR. CHAMBERS: Pass through Lower Buxton when you going? A. Yes, sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

Q. And who went to Simms Run, you and who else? A. Me and George and Palmer, sir, three of us, sir.

Q. And what was your purpose for going to Simms Run? A. Well, we were going there, sir, and say we have some money and say we going there to look about some herb, sir.

HIS LORDSHIP: Mr. Wilson, look how near I am to you and I am not hearing you and if I am not hearing you the jury not hearing so please speak up. A. Yes, sir. 10

MR. CHAMBERS: You had some money and you were going to look about what? A. Some ganga, sir.

Q. Now, where in Simms Run did you go? A. Well, we went to a lady yard name Dahlia Campbell. We were informed to go there.

Q. Yes, and about what time you got to Dahlia Campbell's yard? A. Past lunch time going up, sir, around 2.00 o'clock in the day. 20

Q. All three of you went there? A. Yes, sir.

Q. When you got there did you see Dahlia at home? A. Yes, sir.

Q. Now, anyone else there with her when you went? A. Yes, sir.

Q. Who? A. Two persons were there, sir. two man, sir.

Q. Now, did anybody speak? A. Yes, sir. 30

Q. To Dahlia? A. Yes, sir.

Q. Who speak to her? A. George, sir.

Q. Could the accused, Palmer, hear when George speak to her? A. Yes, sir.

Q. And what George say to Dahlia? A. Him say to her, sir, him hear - him looking some ganga to buy and him get information that him can get it from she, sir.

- | | | |
|----|--|--|
| | Q. Talk louder, man. A. Him say to her, sir, him looking some ganga to buy and him get information that him can get it from she, sir. | In the Supreme Court |
| | Q. Did Dahlia say anything when George say that to her? A. Yes, sir. | Prosecution Evidence |
| | Q. What she say? A. Him say she don't have any, sir. | No.15
Valentine Wilson |
| 10 | Q. Yes, and what happened after she say that? A. And afterward George spoke to her and she say him look like we are police, sir, and George told him that we are not police. | Examination
16th December 1968
(continued) |
| | Q. And after George told her you are not police what happened? A. Well, she go round to the back of the house and she take out some in her hand and carry it come. | |
| 20 | Q. Take out some what in her hand? A. Some ganga, sir. | |
| | Q. In her hand? A. Yes, sir. | |
| | Q. And you say she carry it come round? A. Yes, sir. | |
| | Q. And so what with it? A. And show us the sample of it sir. | |
| | Q. And when she show you now what you do? A. Well, we look on it, sir, and she tell we the price what she selling it for. | |
| 30 | HIS LORDSHIP: What? A. She tell we the price what she selling it for, sir. | |
| | HIS LORDSHIP: What's the price? A. It was £10. sir. | |
| | HIS LORDSHIP: The bag? A. No, sir, per weight, sir. | |
| | MR. CHAMBERS: How much is the weight? A. One pound, one scale weight, sir. | |
| | HIS LORDSHIP: £10. a pound. A. Yes, sir. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

MR. CHAMBERS: Yes, and what happened now, when she tell you the price? A. Well, we say we would purchase some from her, sir.

Q. Yes? A. Yes, sir, and she went round to the back and she bring out a bag.

Q. A bag? A. Yes, sir.

Q. What kind of bag? A. It was a baling bag, sir.

Q. Now, when you say a baling bag, you see, what size bag is that? A. Well, it is an ordinary size bag, not a full crocus bag, sir. It hold about a half of what a full bag hold. 10

Q. So when she brought the baling bag around what happened? A. Well, she throw it out, sir, and open it out and started was to weight it.

Q. Started to ...? A. Weight it.

HIS LORDSHIP: Keep your voice up Mr. Wilson, please. A. Yes, sir. 20

MR. CHAMBERS: Now, had you taken a scale with you? A. You mean?

Q. The three of you, when you going did you carry scale with you? A. No, sir.

Q. Then where you got the scale to weight it? A. She have a scale there.

Q. I see. Now, while you were weighing, you told us that you saw Dahlia and two other persons at the yard? A. Yes, sir.

Q. While you were weighing did anyone else come along? A. Yes, sir. 30

Q. How many people? A. Two more, sir.

Q. What were they, women, children or what? A. Two men, sir.

- Q. Now, who were the two men? A. Well, the two men is two men who carry some ganga come to sell us too.
- Q. Now, did you know them before when they came in the yard that day? A. No, sir, I saw one before, sir. I saw one the same time when we was coming and we and him make some arrangement.
- 10 Q. When you were going to Dahlia's yard you saw one of the two men and you and he made some arrangement? A. Yes, sir.
- Q. What about the other one, had you seen him before you reach Dahlia's yard. A. No, sir.
- Q. Had you seen him before that day, did you know him? A. No, sir, I never see him before, sir.
- Q. Now, what were the names of the two men? A. No, sir, I don't know them names.
- 20 Q. You see them here today? A. Yes, sir; yes, sir. I saw them.
- Q. Can you point them out? A. Yes, sir.
- Q. Point them out for me. A. See one there, sir.
- Q. Where? A. Sit down on the end out there in the windbreaker.
- Q. Stand up. (Fedlie Brown stands) A. That is one.
- Q. You see the other one? A. Yes, sir.
- 30 Q. Where is he? A. See him sitting in the middle over there in the same line.
- Q. What kind of clothes him have on? A. Him have on black jacket.
- Q. Other than black jacket, tell us which one, what kind of shirt? A. Well, him have on a creamish colour shirt, sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

HIS LORDSHIP: Stand up, please. (Augustus Johnson stands)

MR. CHAMBERS: That one? A. Yes, sir.

Q. So you say they came to Dahlia's yard bringing some ganga when you were weighing Dahlia's ganga? A. Yes, sir.

Q. Now, after they came did anybody say anything? A. No, sir, them just came up and put it down, sir, and say them come.

Q. Yes? A. Yes, sir. 10

Q. What they brought the ganga in? A. Them brought it in bag, sir.

Q. What kind of bag? A. Crocus - bale bag, sir.

Q. What happened after that? A. Well, after that, sir, we started was to weight it up and after him put it down and open them up, sir, and some open up and some weighing and George say, "What a way you have it luggo, luggo in the country and it is against the law", and them both run off, sir. 20

HIS LORDSHIP: Who run off? A. All of them run, sir.

MR. CHAMBERS: And Dahlia run too? A. Yes, sir.

Q. And Fedlie Brown? A. Yes, sir.

Q. Augustus Johnson? A. Yes, sir.

Q. Then what about the ganga when them run? A. Them run and leave it, sir.

Q. Anything happen after them ran leave the ganga? A. Yes, sir.

Q. What happened? A. Well, after them run and leave it we move away too, sir. 30

Q. Move away? A. Yes, sir, after we - after them run away, sir, George fire two shots from a service revolver.

- | | | |
|----|--|---|
| | Q. George fire two shots from a revolver?
A. Yes, sir. | In the Supreme
Court |
| | Q. You know where George got the revolver
from? A. Yes, sir. | Prosecution
Evidence |
| | Q. Where did he get it from? A. Get it
from Palmer, sir. | No.15 |
| | Q. When was it he got it from Palmer?
A. He got it from Palmer when we were
on our way going to Dahlia's home. | Valentine
Wilson |
| 10 | Q. So after George fired these two shots,
now, what happened next? A. Well, after
him fire the two shots we leave from the
home, sir. | Examination
16th December
1968
(continued) |
| | Q. Carrying anything with you? A. Yes, sir. | |
| | Q. What you carry? A. A bag, carry the
ganga. | |
| | Q. In what? A. Bags. | |
| | Q. How many bags? A. Two bale bags sir. | |
| 20 | Q. Apart from the two bale bags you had
anything else? A. Yes sir. | |
| | Q. What? Apart from the two bale bags you
had what? A. Brief case sir. | |
| | Q. How it stay? A. A bag with a handle, sir,
so that you can sling over your shoulder. | |
| | Q. Now, when you leave the yard what happened
to the gun when you were leaving the yard?
A. When we were leaving the yard George
have the gun, sir, | |
| 30 | Q. And what about the bags now? A. Me
carry one of the bags sir, and Palmer
carry one. | |
| | Q. And George, he had the gun? A. Yes sir,
and the brief case. | |
| | Q. Now what happened to the gun after you
left Dahlia's yard? A. After we leave
Dahlia's yard and we were travelling, | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson.

Examination

16th December
1968

(continued)

sir, Palmer said to George that him must give him back the gun. George never want to give him back and he say musttgive him back the rass gun because is his country and they will try and hurt him but they won't.... Him say give him the rass gun because...

HIS LORDSHIP: Keep up your voice, please.

CROWN COUNSEL: We have to hear every word you say. When you drop your voice we can't hear you know. Because what, you say?
A. Him say they will hurt him but they won't hurt we and George give him back the gun.

10

Q. And George gave him back the gun? A. Yes sir.

Q. At that time about how far from Dahlia's home had you reached? A. Well, roughly around half mile, sir.

Q. Now, which direction were you going when you left Dahlia's home? A. We were coming towards Higgin Land direction.

20

Q. And on the way, did you see anybody?
A. Yes sir.

Q. Who you saw? A. Well, when we come further out we saw some people at a shop and we pass them; well we and them never hold any argument, sir.

Q. And you continued? A. Yes sir.

Q. You saw anybody else? A. Yes sir; we saw a little boy pass us on the way.

30

Q. Yes, when he passed, anything happened?
A. No sir.

Q. After he passed, you see anybody else?
A. Yes sir, while coming up to the cross roads we saw a clique of people sir.

Q. Where were these people? A. They were standing at a cross road.

- | | | |
|----|---|--------------------------------------|
| | Q. About how many of them? A. Well around ten sir or so. | In the Supreme Court |
| | Q. So when you saw them did you do anything? A. Yes sir. | Prosecution Evidence |
| | Q. What you did? A. When we saw them, sir, we turn off the road. | No.15 |
| | Q. And go where? A. Go in a track, it seems like a property like. | Valentine Wilson |
| 10 | Q. So what, you followed the track? A. Yes sir. | Examination
16th December
1968 |
| | Q. Where the track leads? A. The track leads us right to a hillside, sir. | (continued) |
| | Q. Now this hillside, is it pasture, common or bush? A. Well is bush sir. | |
| | Q. When in the bush you heard anything? A. Yes sir. | |
| | Q. What you heard? A. Before we reach the bush we hear a bawling, sir. | |
| 20 | Q. Before you reached the bush you heard a bawling? A. Yes sir, we hear some noise sir, and we go further up in the bushes sir. | |
| | Q. When you heard the noise you go further up in the bushes? A. Yes sir. | |
| | Q. Now what was the nature of the noise you heard? A. Well the noise was some people coming sir. | |
| | Q. Coming in your direction? A. Yes sir. | |
| 30 | Q. Anybody say anything? You heard anybody say anything? A. You mean the people, sir. | |
| | Q. Yes. A. I hear like somebody say them gone in that bush there sir. | |
| | Q. You say you went further in the bush? A. Yes sir. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

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1968

(continued)

Q. Now at that time when you went further into the bush were you all three together or had you separated? A. Well we were together.

Q. And did anything happen while you were in the bush? A. Well while we were in the bush Palmer draw the gun and have it in his hand and we hear a marching coming and he mek on to fire and George stop him.

10

Q. When you say he mek on to fire, what you mean? A. He hold the gun in the direction where he heard the footsteps coming.

Q. And you said George did what? A. He said him is not to fire in the bush because anybody can coming into the bush and get hurt.

Q. That is what George tell him? A. Yes sir.

20

Q. He didn't fire? A. No sir, at the time he didn't fire.

Q. And what happened after that? A. After that we still hear the mashing coming and him fire two shots from the gun and we hear some foot running.

HIS LORDSHIP: Who fired the shots?
A. please sir.

HIS LORDSHIP: Who fired the shots?
A. Palmer.

30

HIS LORDSHIP: In which direction? A. In the direction where he heard the footsteps coming.

Q. After he fired those two shots, you see...? A. Yes sir.

Q. Did you remain where you were?
A. No sir.

Q. What you did? A. Remove and go up another section of the hill.

- Q. Went to another section of the hill? In the Supreme
A. Yes sir. Court
- Q. And when you got to this other section of Prosecution
the hill did anything happen? A. Yes sir. Evidence
- Q. What happened? A. Well we hear a No.15
bawling, sir. We hear someone bawling
and say must tell Palmer to come and
carry him gun. Valentine
Wilson
- 10 Q. Yes, and anything happened after you Examination
heard that bawling? A. Yes sir. 16th December
1968
- Q. What happened? A. Well after that, (continued)
sir, we hear some footsteps coming up.
- Q. Yes? A. And we were still there.
- HIS LORDSHIP: Speak up. A. We hear some
footsteps coming toward us and we were
still there.
- CROWN COUNSEL: And what happened after that?
A. And after that we hear it coming
closer and him mek to fire...
- 20 Q. Who made to fire? A. Palmer, sir.
- Q. Yes, and... A. And we tell him no, we
don't want him to fire and hurt anybody.
- Q. Talk up, the jury must hear you. A. We
told him not to fire because if him fire
in the bushes him will hurt someone.
- Q. Now, when you tell him that...? A. Yes
sir.
- Q. Did he say anything? A. Yes sir.
- 30 Q. What he said? A. Him sey we can stay
there, if we noh hear the man bawl and
tell Palmer must carry him gun.
- HIS LORDSHIP: Said what? A. Him sey we can
stay there, if we noh hear the man bawl
and tell Palmer must carry him gun.
- CROWN COUNSEL: Now after he said that did you
still hear the footsteps? A. Yes sir,
we hear the footsteps, sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

- Q. How did the footsteps sound to you, far away or near or what? A. Well it was coming up to we sir.
- Q. And did anything happen then? A. Yes sir.
- Q. What happened? A. Him fire too shots out of the gun.
- Q. Who fire? A. Palmer, sir.
- Q. Which direction he fired the two shots?
A. He fired it in the direction where the footsteps was coming. 10
- Q. After he fired the two shots did anybody do anything? A. Yes sir.
- Q. Who? A. George, when, after him fire the first one George run off sir.
- Q. Yes? A. And me go after him sir, second to him.
- Q. What happened, after he fired the first shot George run off and you go after him?
A. Yes sir.
- Q. When was it that you go after George? 20
A. Immediately after that sir.
- Q. Immediately after what? A. After George run, sir.
- Q. Now when you run had he fired the second shot? A. Well when I move off him never fire the second shot yet. After that he fired the second shot.
- HIS LORDSHIP: Speak up. A. After he fired the first one George run off and I run off and after that him fire another one. 30
- Q. Now about what distance would you say you had got from the accused, Palmer, when he fired this second shot? In other words, how far you run off? A. Well about half a chain or so.
- HIS LORDSHIP: That is when the second shot was fired?

CROWN COUNSEL: That is when the second shot was fired, you say you were about half chain away? A. Yes sir.

In the Supreme Court

Prosecution Evidence

No.15

Q. Now, tell me, before those two shots were fired had you all three been together?
A. Yes sir. In the same direction nearby.

Q. When the first of those two shots were fired, you see, can you give us an idea what distance you would say the sounds of the footsteps were from where the accused was?
A. A little over half chain because it was coming up nearer in the bushes.

Valentine Wilson

Examination

16th December 1968

(continued)

Q. And the sound was coming nearer in the bushes? A. Yes sir.

Q. Now after the second shot was fired, did you hear anything? A. Yes sir.

Q. What you heard? A. I hear like a bawling on the hill sir. Somebody was bawling.

Q. Now what happened? Did you see the accused again after you ran? A. Yes sir.

Q. Where you see him? A. Well he run and ketch us on the way, sir.

Q. When he caught up with you did he say anything? A. Yes sir. We ask him say what happen, it seems as if him shot sonebody, and him sey no, nobody noh get shot because... We say, then why we hear a bawling on the hill, somebody get shot, and him sey no, anybody don't get shot, a through them want to stop we.

Q. Now, where were you when you say the accused run and catch you up? A. That time we come off the hill.

Q. You came off the hill. When you came off the hill did you then see anybody?
A. Yes sir.

Q. Where they were? A. They were behind, far behind.

Q. Coming off the hill too? A. Yes sir.

10

20

30

In the Supreme Court		And what did you do after that? A. We were travelling, sir.	
Prosecution Evidence	Q.	Travelling in which direction? A. We were travelling come home sir.	
No.15	Q.	Which direction you going? You told us earlier you had been coming toward Higgin Land. A. We were coming toward Bamboo.	
Valentine Wilson	Q.	This is a different direction from Higgin Land direction? A. Yes sir.	
Examination	Q.	You were coming toward, as if you are coming toward Bamboo? A. Yes sir.	10
16th December 1968	Q.	What happened to the bags with the ganja that time? A. We were travelling with the bags sir.	
(continued)	Q.	When you going on now, did you hear anything or see anybody? A. Yes sir, we hear some people coming and bawl out and say must 'stop them, stop them'.	
	Q.	People coming behind you? A. Yes sir.	
	Q.	And bawling out, 'Stop them, stop them.' A. Yes sir.	20
	Q.	Did you stop? A. No sir.	
	Q.	And where did you go? A. We come straight home, sir.	
	Q.	When you say, come straight home, what you mean? A. At Bethany.	
	Q.	In which direction you travel to get to Bethany? A. We come as far as Brown's Town sir.	
	Q.	You came to Brown's Town? A. Yes sir.	30
	Q.	And from Brown's Town did you get to Bethany? A. We go up on the Mayflower bus the morning.	
	Q.	And about what time would you say you got to Bethany? A. Well we reach Bethany coming on to daylight sir.	

- | | | |
|----|--|--------------------------------------|
| | Q. And what happened after you got to Bethany?
A. We were there sir. | In the Supreme
Court |
| | Q. And did you go back to Kingston? A. Yes
sir. | Prosecution
Evidence |
| | Q. What you do with the ganja. A. Well we
carry it to Kingston sir. | No.15 |
| | Q. Who carried it to Kingston? A. Well I
carry it on the bus. Everybody carry
them own. | Valentine
Wilson |
| 10 | Q. What? A. I carry my own on the bus. | Examination
16th December
1968 |
| | Q. What about the accused, Palmer? A. He
carry fi him. | (continued) |
| | Q. And what about George? A. He carry fi
him sir. | |
| | Q. So before leaving for Kingston had you done
anything when you say each of you carry your
portion? A. No sir, we never do anything
sir. | |
| | Q. You didn't share it up? A. Yes sir. | |
| 20 | Q. Now when you got to Kingston what did you
then do? George live at the same place
you live? A. No sir. | |
| | Q. What about the accused? A. No sir. | |
| | Q. What did you do? A. From I reach at mi
yard sir, come off the bus... | |
| | Q. After you got back to Kingston did you see
the accused? A. Yes, sir. | |
| | Q. Palmer? A. Yes, sir. | |
| 30 | Q. When you saw him? A. I saw him around
four days after, sir. | |
| | Q. Did you speak to him then or did he speak
to you? A. Yes, sir. | |
| | Q. Who spoke? A. He spoke to me, sir. Him
saw me and spoke to me, sir. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

Q. What he say to you? A. Forget what him say to me, sir, but not on the matter of that, sir.

Q. Did you have any talk? A. No, sir, not on that day.

Q. Did you have a talk? A. Yes, sir.

Q. When you talk? A. In the following week, sir, I get a letter.

Q. Get a letter from where? A. From Alexandria, sir.

10

Q. Now, when you got that letter did you speak to the accused? A. Yes, sir.

HIS LORDSHIP: Who the letter was from?
A. From my mother, sir.

MR. CHAMBERS: You spoke to him, you say, when you got this letter? A. Yes, sir.

Q. What you say to him? A. Well, I told him that I got a letter from my mother, sir, and according to the letter a man was get shot and dead in Higgin Land.

20

Q. Yes? A. Yes, sir.

Q. And did he say anything when you told him that? A. Yes, sir.

Q. What he said? A. Him say from him come in him hear so because a man and a woman live in his home, in his yard where he live and him told him that he hear the news where a man was shot and dead at St. Ann.

Q. Did you have any further talk with him then? A. Yes, sir.

30

Q. What further talk? A. Well, a told him, sir, then how him hear that and him don't tell us anything.

Q. And what?

HIS LORDSHIP: I haven't heard that. A. Him say that...

- | | | |
|----|--|----------------------|
| | MR. CHAMBERS: Wait, you asked him how he hear that and don't tell you anything? | In the Supreme Court |
| | A. Yes, sir. | ----- |
| | Q. Did he say anything? A. Yes, sir. | Prosecution Evidence |
| | Q. What he said? A. Him say because we are too jumpy, sir, that is why him never tell us. | ----- |
| | Q. Now, do you remember Sunday the 9th of June of this year? A. Yes, sir. | No.15 |
| | Q. Were you at your home? A. Yes, sir. | Valentine Wilson |
| 10 | Q. At 16 Crescent Road? A. Yes, sir. | Examination |
| | Q. Did anybody come there? A. Yes, sir. | 16th December 1968 |
| | Q. Who came? A. Well, I saw Inspector, sir, Kirlew, sir and some more constable, sir. | (continued) |
| | Q. About what time was it they came to your home? A. Something going to 5.00 sir. | |
| | Q. In the evening? A. No, sir, in the morning. | |
| 20 | Q. Yes, and what happened when they cane, when Inspector Kirlew and the others came? A. Well, after him came, sir, him tell me say ... | |
| | Q. Wait, wait, he spoke to you? A. Yes, sir. | |
| | Q. And after he spoke to you what happened? A. Well, him carry me to police headquarters, sir. | |
| | Q. Is that the Central Police Station? A. Yes, sir. | |
| 30 | Q. Now, at the Central Police Station did you see the accused? A. Yes, sir. | |
| | Q. And did you speak to anyone in the presence and hearing of the accused? A. Yes, sir. | |
| | Q. Who you spoke to? A. Spoke to Inspector Kirlew, sir, and detective Cole. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Examination

16th December
1968

(continued)

Q. Now, what did you say to Inspector Kirlew in the presence and hearing of the accused? A. Well, I told him that is the accused who done the act, sir.

Q. Done which act? Shoot the man, sir.

Q. Did the accused say anything when you told Inspector Kirlew that? A. Yes, sir.

Q. What he said? A. He get up and say, sir, since a so it go and you and George a brother a you shoot the man, Valentine. 10

HIS LORDSHIP: A you shoot the man, what? A. Say a you shoot the man, Val.

MR. CHAMBERS: Now, when the accused say that... A. Yes, sir.

Q. ...did you say anything? A. Yes, sir.

Q. What you say? A. I say to him say a you shoot the man, just as cheap you say you shoot the man, sir.

Q. Now, tell me, before you had made the report to Inspector Kirlew, you see, ... A. Yes, sir. 20

Q. to tell him that it was the accused who shot the man, had the accused said anything? A. You mean before I tell - yes, sir.

Q. What had he said? A. Him say him don't know me nor me brother, sir, is the first him see us.

Q. It was after he said that that you told the police is him shoot the man? A. Yes, sir.

Q. Now, on this day when you went to Simms Run, you see, to Dahlia's yard? A. Yes, sir. 30

Q. How were you dressed, what kind of clothes you wearing? A. A red shirt, sir.

Q. And what kind of trousers? A. Black pants, sir.

Q. How was the accused dressed that day? A. Well him dress in a bluish colour pants, sir.

- | | | |
|----|--|---------------------------|
| | Q. Yes? A. And a bluish colour ganzie and him wear a white shirt over it and a brown shoes, sir. | In the Supreme Court |
| | Q. Brown shoes? A. Yes, sir. | Prosecution Evidence |
| | Q. And what about George, how was he dressed?
A. Well, he dress in a same - like a bluish colour shirt and a felt hat, sir, and a darkish colour pants. | No.15
Valentine Wilson |
| 10 | Q. Now, the day when you say you left Kingston, you see? A. Yes, sir. | Examination |
| | Q. ... on the Mayflower to go to Bethany?
A. Yes, sir. | 16th December 1968 |
| | Q. ... was that the first time that the accused was going with you? A. Yes, sir. | (continued) |
| | Q. To Bethany? A. Yes, sir. | |
| | Q. And your brother, George, and yourself go - made the trip to Bethany on other occasions before? A. Yes, sir, we go there. | |
| 20 | Q. How did the accused come to be going with you on this occasion? A. Well, him hear me and George talking that we coming here, sir, him say him would like to come. | |
| | Q. When was it that he had heard George and yourself talking that you were going?
A. That was the day before, sir. | |
| | Q. Day before? A. Yes, sir. | |
| | Q. And you say he said he would like to come?
A. Yes, sir. | |
| 30 | Q. And did you agree for him to come?
A. Well, we say if him have money him can come, sir, but if him don't have any money him can't come. | |
| | Q. If he had money him can come? A. Yes, sir. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

CROSS-EXAMINATION BY MR. ROPER

- Q. You know about revolvers? A. Please sir.
- Q. And guns? A. I see it sir.
- Q. You have seen many of them? A. Me sir?
- Q. Yes. A. Yes sir, sometimes I see policeman with them.
- Q. You have seen police with them? A. Yes sir.
- Q. And you have seen other people with them as well; apart from the police you see anybody with guns? A. Yes sir, I see man with gun. 10
- Q. You know different types of guns? A. No sir, I only know long gun and short gun.
- Q. Why you call this gun in question a service revolver? A. Because it firing sir.
- Q. When a gun is firing you call it a service revolver? A. Yes sir.
- Q. Now you said that - Palmer said he did not want to tell you about the shooting of the man because you and George are too jumpy? A. Yes sir. 20
- Q. Are you jumpy? A. Pertaining to that sir?
- Q. Pertaining to what? A. to if him shoot a man?
- Q. You have been to the area before for ganja? A. You mean up -- No sir, I never been up there.
- Q. But you have been to St. Ann before for ganja? A. Come down here for it sir? 30
- Q. Yes. A. I never carry any.
- Q. You never come for ganja before? A. No sir.
- Q. George and yourself? A. No sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

Q. This day in question, was it the first time you came about any ganja business. A. In a series it's the first I ever came.

Q. What you mean, series? A. I mean that time sir.

Q. You know if George ever come before? A. Down here for it?

Q. Yes. A. Him come down here.

10

Q. And you didn't come with him? A. me and him don't come all the while.

Q. I am not asking you about all the while; I mean before this day. A. Yes sir.

Q. How many times before? A. well around three or four times.

Q. So which is really your occupation, ganja or mason? A. Mason sir.

Q. Which one is the main occupation. A. Well the main one is mason.

20

Q. But the ganja is more profitable. A. No sir, I wouldn't say that sir.

Q. Now, when was the first time you say you knew that Palmer had a gun? A. When we was going to Dahlia yard sir.

Q. The accused came up on a bus from Kingston with you? A. Yes sir.

Q. You sat beside each other? A. No sir.

Q. You didn't sit beside each other. A. No sir, I sit in a seat with another person.

Q. Anybody sat beside him? A. The accused?

30

Q. Yes. A. Yes sir.

Q. Who? A. He and George was in the same seat coming at the back.

Q. Are you a friend of Palmer? A. No sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

- Q. You know if George is a friend of Palmer?
A. No sir, we just meet each other and talk.
- Q. No friend? A. No sir.
- Q. Then how is it you invited him at your parents' home? A. No sir, we didn't invite him.
- Q. He didn't sleep there? A. Yes sir, but he sleep outside.
- Q. Did he meet your parents? A. Up there? 10
- Q. Yes. A. Them saw him the morning.
- Q. Then how is this man no friend of yours or George and you let him come with you to visit your parents? A. Well he saw us and him sey he would like to come and we told him sey if him have money him can come.
- A. Yes sir.
- Q. You mean money to pay his bus fare? A. Yes sir.
- Q. When you went to Dahlia's yard, you see, did you have any intention of paying for any ganja? Yes sir. 20
- Q. You had? A. Yes sir.
- Q. But you did not pay for any? A. No sir, she run and leave it.
- Q. Why they ran? A. Well they say they fear we were police.
- Q. They ran because of something George said? A. And them fear we were police sir.
- Q. George told them you were not police? A. Yes sir, him told them that. 30
- Q. And after that they gave the ganja? A. Yes sir.
- Q. But after that they ran? A. Yes sir; after that them hear the argument about police and them run.

- | | | |
|----|---|--|
| | Q. George fired shots? How many shots did George fire in Dahlia's yard. A. Two. | In the Supreme Court |
| | Q. When he fired the shots was anybody in the yard? A. No sir. | Prosecution Evidence |
| | Q. When he fired the shots how near was the nearest of the persons that were in the yard? A. Well they run down a gully sir. | No.15 |
| | Q. How far away were they? A. about four or five chains sir. | Valentine Wilson |
| 10 | Q. Could you see any reason for shots being fired if people were four or five chains away? Could you see any reason at that time? A. Well nobody was there sir. | Cross-examination
16th Dec'ember
1968
(continued) |
| | Q. Can you say why, then? A. No sir. | |
| | Q. Wasn't a shot fired directly at Dahlia? A. No sir. | |
| | Q. Directly at Fedlie Brown? A. No sir. | |
| | Q. And Johnson? A. No sir. | |
| 20 | Q. Did george say to Fedlie Brown, 'It look like you are a bad man you don't out fi run? A. No sir, I never hear sir. | |
| | Q. After Dahlia ran did they come back? A. No sir, I don't see her. | |
| | Q. Did you see children in the yard - young children? A. No sir. | |
| | Q. You didn't see any young children? A. No sir. | |
| | Q. Did you go in Dahlia's house? A. No sir. | |
| 30 | Q. Did anybody go into Dahlia's house? A. No sir. | |
| | Q. Did anybody go to the doorway? George, did he go to the doorway? A. No sir, we were all outside. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination
16th December
1968

(continued)

- Q. Didn't go to the door? A. No sir, we were in the yard, few yards from the doorway.
- Q. Now I am putting it to you that you left Kingston with a gun. A. No sir.
- Q. I am putting it to you that you could not see any reason why George fired and you quarrelled with him about firing in Dahlia's yard after you left Dahlia. A. No sir, I never fired after him. 10
- Q. What you say? A. I never saw him fire after Dahlia sir.
- Q. What I am putting to you is that you quarrelled with George for firing in Dahlia's yard? A. No sir, me and him never have any argument.
- Q. After you left Dahlia? A. No sir, me and him never have any argument.
- Q. And took the gun from him? A. Please sir.
- Q. And that you took the gun from George? A. No sir, Palmer took the gun from George because is his gun. 20
- Q. Is your gun? A. No sir, me never own a gun yet.
- Q. When you left Kingston, you knew what you were coming about? A. In country here sir?
- Q. Yes? A. Yes sir; when we leave country we know what we coming about.
- Q. When you left Kingston? A. Yes sir. We come to look for we mother. 30
- Q. And get some ganja? A. Yes sir.
- Q. But you didn't tell Palmer about the ganja business, just about your parents? A. No sir.
- Q. In other words you didn't put any confidence in Palmer? A. No sir.

- | | | |
|----|--|--|
| | Q. When you were in Kingston - I am repeating the question - when you were in Kingston and were leaving, you didn't tell Palmer about getting any ganja in the country? | In the Supreme Court |
| | A. No sir, we never hold any argument like that. | -----
Prosecution Evidence
----- |
| | Q. Why you didn't tell him that? A. We and him never hold any argument. | No.15 |
| 10 | Q. Why you didn't hold the argument with him?
A. Well we never had any direct argument with him. | Valentine
Wilson |
| | Q. Why, because you wanted to use him as a pawn? A. What? | Cross-
examination |
| | Q. As a tool? Why you didn't tell him - three of you - let him into the secret, man? A. Well it wasn't a secret sir, him sey he would like to come. | 16th December
1968 |
| | Q. I want to know why you didn't tell him?
A. No direct reason. We tell him that we going to look fi we mother. | (continued) |
| 20 | Q. Alright. You know that this ganja business is a risky business as far as the law is concerned? A. Yes sir. | |
| | Q. You know that? A. Yes sir. | |
| | Q. And you know that it might be wise, you agree it might be wise to arm yourselves if you are coming to the country on a ganja business? A. No sir. | |
| 30 | Q. To carry a gun? A. No sir. I don't travel with gun sir. | |
| | Q. But you have done this three or four times and you realise... You have come on ganja business three or four times and you know the danger, you know that you have to have a gun? A. No sir, I don't have a gun sir. | |
| | Q. This is the first time you have got ganja and did not pay for it? A. Yes sir. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

- Q. Now you said that it was George who tried to stop the accused when he pointed the gun at the men in the hill? A. Yes.
- Q. Did you do anything yourself? A. Yes sir.
- Q. What you did? A. I tell him he not suppose to fire any gun.
- Q. And George told him that too? A. Yes sir.
- Q. But you didn't tell George he should not fire in Dahlia's yard? A. You see he never fired after anybody. 10
- Q. Yes, but he fired. But you didn't know if Palmer was going to fire at anybody? A. Well he have the gun and he nek to fire.
- Q. But you didn't know if he were going to fire in the air or not? A. Well I hear the footsteps.
- Q. Did you see anybody? A. Well I never see them but I see the glaze of them. 20
- HIS LORDSHIP: The what? The glimpse?
A. Yes sir.
- Q. But at Dahlia's yard you didn't tell George not to fire? A. No sir.
- Q. Why not? A. Nobody was there.
- Q. Pardon. A. I never saw anybody there.
- Q. But you never saw anybody in the hill either. I am putting it to you that people were in the yard when George fired? A. No sir. 30
- Q. Fedlie Brown and Augustus Johnson and Dahlia were in the yard when he fired. A. No sir, I never saw anybody.
- Q. Do you think it was unnecessary to fire if nobody was in the yard at Dahlia's place. A. Well him just fire it sir.

- | | | |
|----|---|--------------------------------------|
| | Q. Did you consider it necessary to fire?
A. No sir, nobody was not there. | In the Supreme
Court |
| | Q. You thought it was idle to fire if
nobody was there, or what? A. Hes sir
for nobody was there. | Prosecution
Evidence |
| | Q. And that is why I put to you that you
quarrelled with George because he had
fired in Dahlia's yard. A. No sir. | No.15
Valentine
Wilson |
| 10 | Q. And took away the gun. A. No sir, I
never hold the gun. I only see it. | Cross-
examination |
| | Q. Now, while you were in the hills and the
shots were fired and you hear somebody
say that somebody get shot? A. Yes, sir. | 16th December
1968
(continued) |
| | Q. You hear a bawling, did you believe that
anybody get shot? A. Yes, sir, according
to how I hear the bawling. | |
| | Q. You believe that somebody got shot?
A. Yes, sir, that is why we talking to
him about it. | |
| 20 | Q. Now, tell us about this ganga, was it
divided equally between the three of you,
the ganga? A. No, sir. | |
| | Q. How was it divided? A. Well, it
weigh out, sir. | |
| | Q. Who got the most of it? A. Well, a
feel I get a little more. | |
| | Q. You feel you get the most? A. Yes, sir. | |
| | Q. You got the most? A. Well, not much
more than the rest, about a half more. | |
| 30 | Q. You got what out of it? A. No, sir,
half weight. | |
| | Q. Now, who got next out of it? A. Well,
I believe Palmer and George got the same
amount. | |
| | Q. How was it that you got the most of it?
A. Well, it seems like a by weighing
and checking out because I get a little more. | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

Q. Where was the ganga weighed? A. Well it did actually weigh up the yard there, sir.

Q. Yes, but it was only in two bag. A. Another bag was being carried.

Q. When it was being shared where was it weighed? A. Well, it share up when we come off the bus.

HIS LORDSHIP: In Browns Town? A. Yes, sir, after we come off the bus up Bethany, sir, we share it in a coffee walk. 10

MR. ROPER: By scale? A. No, sir, we just judge it, sir, for we never have any scale, sir.

Q. Now, you said while you were on the hills you heard a voice - "Palmer, come and carry yu gun." You know of another Palmer in Higgin Land? A. No, sir, I don't know of it.

Q. The voice that say, "Palmer, come and carry your gun", it wasn't you who spoke. 20
A. No, sir.

Q. It wasn't George? A. No, sir.

Q. And it wasn't Palmer, this Palmer, here?
A. No, sir.

Q. The voice came from where? A. Came from round the hill foot.

Q. What exactly did the voice say? A. Say, "Palmer, Palmer, come and carry yu gun."

Q. Did you believe that this Palmer had a gun?
A. Well, no, sir.

Q. You felt that there was a Palmer that was coming with a gun? A. Well, I hear the step coming but I don't hear no gun fire, no nutting. 30

Q. When you hear the voice, "Palmer, Palmer, come and carry your gun", did you believe that there was a Palmer coming with a gun?

- A. Well, it could be.
- Q. When you heard the footsteps coming were you afraid? A. When we hear the footsteps come, sir, we decided to make a move again.
- Q. Why? A. Because we hear them coming.
- Q. You move because you were afraid they might capture you? A. Because we hear them coming, sir.
- 10 Q. You felt they were - that they were near enough to capture you? A. Yes, sir, and we decide to move again.
- Q. Why did you run? A. Well, we running from them, moving away from the crowd.
- Q. Were you afraid that the men might catch you and attack you, beat you? A. Yes, sir, if them catch me but to the time where we was,, sir, them never mus' catch us.
- 20 Q. But you were afraid that the men might catch you, beat you? A. No, sir, we weren't afraid of that, sir.
- Q. Weren't you afraid they might catch you and beat you? A. Well, them never mus' catch us because we were travelling away from them.
- Q. You were travelling away because you didn't want them to catch you? A. Yes, sir, we didn't want them to catch me.
- 30 Q. And afraid that if they catch you them going to beat you? A. Yes, sir, but to where we was travelling them never mus' catch we because it was a hill.
- Q. Now, did you make a confession to your mother that you shot a man? A. No, sir.
- Q. Your mother knew whether you had a gun or not, whether there was a gun? A. No, sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
Examination

16th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
Examination

16th December
1968

(continued)

- Q. But you said she wrote you and tell you that a man got shot? A. Yes, sir.
- Q. And did you give any of theganga to your mother? A. No, sir.
- Q. Did your mother know of it? A. No, sir.
- Q. She didn't know, you didn't tell your mother where you were going after you left her? A. The yard, sir, no, sir.
- Q. Did you - yet your mother wrote you and tell you a man got shot? A. Yes, sir. 10
- Q. You sure you didn't tell your mother, confess to her that you shot a man? A. No, sir, me and she hold no argument about that.
- Q. After you left Higgin Land you went back to your mother's home? A. Yes, sir.
- Q. And you held no argument with her? A. No, sir.
- MR. KERR: I don't know if my friend has any proof along that line, I mean I have allowed him to go very far in that direction. 20
- MR. ROPER: Since my learned friend does not know then he should not, perhaps, interrupt.
- HIS LORDSHIP: It seems a matter of making a suggestion one way or another.
- MR. KERR: Very well, M'Lord.
- MR. ROPER: Now, in your presence did Palmer say to detective Kirlew that you shot the man? A. In my presence, sir?
- Q. Yes. A. After I spoke then, sir. 30
- Q. You said after you finished speaking he said that it was Valentine, you, who shot the man? A. Yes, sir.
- Q. But you didn't say anything to that? A. Yes, sir.

- | | | |
|----|---|--|
| | Q. I am putting it to you you never, after Palmer said that you shot the man, you said nothing? A. Yes, sir, I said something. | In the Supreme Court |
| | Q. You said nothing in respect of that accusation? A. Yes, sir. | Prosecution Evidence |
| | Q. What you said? A. I say to him say ... | No.15 |
| | HIS LORDSHIP: Speak up, please. A. I say to him say, "Is you shoot the man." | Valentine Wilson |
| 10 | MR. ROPER: You didn't see a man get shot?
A. No, sir, I never saw him get the shot. | Cross-examination
16th December
1968 |
| | Q. Now, do you know whether or not any of the crowd that was following you in the hills had anything with them in their hands? A. No, sir, I never saw. | (continued) |
| | Q. Sticks or anything? A. No, sir, I never saw them with anything. | |
| | Q. Now, the last two shots that were fired?
A. Yes, sir. | |
| 20 | Q. About what time between the two last shots?
A. You mean what time of the evening, sir? | |
| | Q. No, no, what time pass between the two last shots? A. Well, them, them not fast enough, sir; not so slow; him fire one after him fire one. | |
| | Q. About how long after? A. It was about two or three or four minutes after that but shortly after that another one fire. | |
| 30 | Q. And when the last one fire that was the time you heard the voice? A. Bawling, sir? | |
| | Q. Bawling. A. Yes, sir, little after that. | |
| | Q. By that time how far away you were?
A. Well, I was about a chain away. | |
| | Q. And about how far was George away?
A. Well, George was around a chain and a half, little before him. | |

<p>In the Supreme Court</p> <p>-----</p> <p>Prosecution Evidence</p> <p>-----</p> <p>No.15</p> <p>Valentine Wilson</p> <p>Cross-examination</p> <p>16th December 1968</p> <p>(continued)</p>	<p>Q. You certain you were not all three together? A. No, sir.</p> <p>Q. When the last shot fired? A. No, sir.</p> <p>Q. Now, you were the only person who had on - among the three of you - who wore a red shirt? A. Yes, sir.</p> <p>Q. Now, you said that as a result of what you heard you went to his home? A. Yes, sir.</p> <p>Q. To Palmer's home? A. Yes, sir.</p> <p>Q. Well, about a week after in Kingston - let me put it this way - why did you go to and speak to Palmer? A. Please, sir?</p> <p>Q. Why did you go and speak to Palmer in Kingston? A. Well, according to the letter I got, sir.</p> <p>Q. From your mother? A. Yes, sir.</p> <p>Q. Did you speak to George according to the letter. A. Yes, sir.</p> <p>Q. Before or after Palmer? A. Well, I speak to him before Palmer, sir.</p> <p>Q. Before? A. Yes, sir, I saw him before I saw him before I saw Palmer.</p> <p>Q. Yourself and George don't live at the same place? A. No, sir.</p> <p>Q. Nor Palmer? A. No, sir.</p> <p>Q. How long after you spoke to George did you speak to Palmer? A. Well, it was the same day, sir.</p> <p>Q. Did George follow you? A. And go to Palmer, sir?</p> <p>Q. Yes. A. Yes, sir.</p> <p>Q. Now you said that it was on the way to Dahlia that you saw the gun? A. Yes sir.</p>	<p>10</p> <p>20</p> <p>30</p>
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- | | | |
|----|---|---|
| | Q. How did George get it? A. The gun? | In the Supreme Court |
| | Q. Yes. A. Well he went into the bushes and while him was in there he saw the gun. | -----
Prosecution Evidence
----- |
| | Q. Did you see it too? A. Yes, sir, after George saw it because George was outside. | No.15 |
| | Q. When you first saw the gun did Palmer have it or George have it? A. Palmer have it sir. | Valentine Wilson |
| 10 | Q. George just asked him for it like that? A. He saw him, saw him with a gun and him say yess and him say mek him see it and him say him noh want him to have any gun in the country. | Cross-Examination
16th December 1968 |
| | Q. George told Palmer that George did not want to see him with any gun in the country? A. Yes sir. | (continued) |
| | Q. Did Palmer make any fuss? A. No sir. | |
| | Q. Just gave up the gun like that? A. Yes sir. | |
| 20 | Q. But according to you after they left Dahlia he quarrelled for his gun. A. Yes sir, him ask back for the gun sir. | |
| | Q. About how long after George took the gun according to you, that Palmer, that he handed it back to Palmer? A. Well after we leave Dahlia's premises. | |
| | Q. Yes, about how long after you say George took the gun that he returned it? A. The space of time? | |
| 30 | Q. Yes. A. Well it was about over an hour. | |
| | Q. Over an hour can be six hours; about how long? A. About an hour and a half. | |
| | Q. Now from the time you were in the hills, you see, until the time the detective came to you on to the time when you last saw Palmer in Kingston, you didn't have any quarrel? A. Any quarrel sir? | |

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

- Q. Yes, among yourselves? A. No sir.
- Q. Now you said that after you came out the hills you went down the level?
A. Yes sir.
- Q. And you could see people coming behind you? A. Yes sir.
- Q. About how far away they were? A. They were about - some of them were all ten chains and so behind.
- Q. Could you see them clearly? A. Yes sir, we can see them. 10
- Q. Now I am putting it to you again, you see, that you were the person who shot the deceased? A. No sir.
- Q. When George ran away, you see, you stood for a little time? A. No sir.
- Q. Immediately George ran you ran? A. Yes sir.
- Q. I thought you said he ran out and then you ran after him after sometime. A. The two of us run. Him was little before me. 20
- Q. Well how far were you behind him running off? A. Just few yards behind him.
- Q. What you mean by few yards? A. Just a little distance, sir; him out here...
- Q. Here where? A. About out to this door sir.
- Q. By the door? A. Yes sir.
- Q. Now how long after that, after you run? Or put it this way, you ran to a certain point; did you stop? A. After I was running, sir? 30
- Q. Did you stop? A. No sir, I never stop until I come off the hill.
- Q. You didn't stop running until you come off the hill; now you were on the level?
A. Yes sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination

16th December
1968

(continued)

- Q. Was George with you? A. Yes sir, the two of us down at the level.
- Q. When you were on the level you knew where Palmer was? A. Yes sir, he was coming off the hill.
- Q. Just coming off the hill? A. Off the hill, the same hill.
- Q. Now detective Kirlew took you from your home, you see? A. Yes sir.
- 10 Q. And took you where? A. To Central sir.
- Q. When you got to Central did you see George or Palmer? A. Yes sir.
- Q. They were there already? A. Yes sir.
- Q. Now tell me something, the sort of bags you were carrying with the ganja, would you call it a crocus bag? A. Yes sir, it is a bale bag.
- Q. You would style it a crocus bag? A. Yes sir.
- 20 Q. Now when you were at Central Police Station, you see...? A. Yes sir.
- Q. I take it you were in a room with the accused and George Wilson? A. Yes sir.
- Q. Just as you enter? A. Yes sir.
- Q. They were already in the room? A. Yes sir.
- Q. The conversation took place in this room? A. Yes sir.
- Q. Who first spoke when you got to that room? A. Well me first spoke, sir, after I go in
- 30 Q. No no; when you reached to the room and saw George Wilson and you now with the police and you saw George and Palmer, now - with the police, who first spoke? A. Me first spoke sir.
- Q. You? A. Yes sir.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson

Cross-
examination
16th December
1968
(continued)

Q. And what did you say? A. Please sir?

Q. What did you say? A. Inspector ask him.

Q. No, you said you first spoke? A. Yes sir.

Q. Now I take it you decided to run in the hills while the men were approaching? A. Yes sir.

Q. Because you feared for your life?

CROWN COUNSEL: M'lord, if my learned friend wants to put that it seems that there is a question which he ought to put before because the evidence from the witness is that they saw a group of men and they turned off in the hills. He has not said that the men were approaching him when they turned off. The evidence is because they saw this group of men they turned off in the hill. 10

HIS LORDSHIP: I think it is just coming east, coming back to....

CROWN COUNSEL: The part he is touching is when the men were following him, but there is this period of when the men were standing up and they turned off. 20

DEFENCE COUNSEL: The only difference is my friend heard what I asked. I used the word, 'ran'.

HIS LORDSHIP: Perhaps you can break it up.

DEFENCE COUNSEL: Now you saw the men approaching you or you heard the men approaching you in the hills? A. Yes sir.

Q. And you decided to run? A. Yes sir. 30

Q. And you decided to run because you feared for your life? A. Yes sir.

HIS LORDSHIP: What is your answer? A. Yes sir.

RE-EXAMINATION BY CROWN COUNSEL, MR. CHAMBERSIn the Supreme
Court

- Q. Now you were asked about the interval of time between the first shot you heard in the hill and the second one. That is at the time you said George ran and you ran.
A. Yes sir.

 Prosecution
Evidence

No.15

- 10 Q. Now I would like you to demonstrate for us the time which passed between your hearing the first and second shots. Say for instance this was the first shot (Counsel claps his hands) Clap for the first shot and then clap when the second shot.

Valentine
Wilson
Re-examination

(Witness demonstrates)

- Q. That is the time between the two? A. Yes sir.
- Q. And in that period of time you say you moved from there to about the door? A. Yes sir.
- 20 Q. Now at any stage when you saw this group of men who were following after you did you see any of them with anything in their hands?
A. No sir.
- Q. Now - so you say a while ago that you decided to run because you feared for your life; what were you fearing? A. That they may hold me sir.
- Q. You feared that they may hold you? A. Yes sir.
- 30 Q. Now you have said that when you were leaving from Kingston to the country you did not tell the accused about getting ganja? A. No sir.
- Q. Did you tell him so at all at any time about getting the ganja? A. When we reach - when we going to leave the yard the man sey we...
- Q. When you were leaving the yard the morning you told him that you were going to look?
A. Look some to buy.

In the Supreme
Court

Prosecution
Evidence

No.15

Valentine
Wilson
Re-examination

16th December
1968

(continued)

Q. Some what? A. Some ganja to buy.

Q. That is when you were leaving your
parents' yard? A. Yes, after me leave
the morning sir, and we was travelling.

DEFENCE COUNSEL: M'Lord, I am making a broad
objection with what is put to the witness;
when he said he feared for his life, if he
meant being caught. I wonder if your
Lordship could give me your notes at that
point?

10

HIS LORDSHIP: What is the objection?

DEFENCE COUNSEL: That that is bordering on cross
examination and you can't take it any further
than that when he said he feared for his
life. You can't go behind him and ask what
he feared for because that is simple as
ever and any attempt to get amongst that....

HIS LORDSHIP: I do not agree with that; that
is a matter you can deal with in your
address.

20

DEFENCE COUNSEL: Very well, m'lord.

HIS LORDSHIP: Thank you.

No.16

Curtis Kirlew

Examination

NO. 16

CURTIS KIRLEW

CURTIS KIRLEW: SWORN: EXAMINATION BY MR. KERR

Q. Now, is your name Curtis Kirlew? A. Yes,
please, sir.

Q. And are you a detective inspector of
police? A. Yes, sir.

Q. Where are you stationed now? A. St. Ann's
Bay in this parish, sir.

30

Q. On Wednesday the 15th of May this year about
8.00 o'clock in the morning did you receive
a report? A. Yes, sir.

- | | | |
|----|--|------------------------------|
| | Q. And as a result did you go anywhere?
A. Yes, sir. | In the Supreme
Court |
| | Q. Where? A. I went to Higgin Land in this
parish, sir. | Prosecution
Evidence |
| | Q. Any particular place there? A. Yes, in
the square. | No.16 |
| | Q. And there did you see district constable,
Blissitt? A. Yes, sir. | Curtis Kirlew
Examination |
| | Q. Did you speak with him? A. Yes, sir. | 16th December
1968 |
| 10 | Q. Did you go anywhere with him? A. Yes, sir. | (continued) |
| | Q. Where? A. To Bugger Hill. | |
| | Q. Did you notice anything there? A. Yes,
sir. | |
| | Q. What? A. The D.C. pointed out a spot on
a tree where he said he had extracted a... | |
| | Q. No, no, he pointed out the spot on the tree,
did you notice anything about the tree?
A. Yes, sir. | |
| | Q. What? A. It was ... | |
| 20 | Q. What? A. It was freshly chopped out with
a cutlass. | |
| | Q. Was it chopped down or what? A. Just
chopped. | |
| | Q. A bit was chopped out? A. Yes, sir. | |
| | Q. Where the chop was, how high from the
ground would you say? A. Between four
and five feet. | |
| | Q. And did Blissitt deliver anything to you?
A. Yes, sir. | |
| 30 | Q. What? A. A bullet. | |
| | Q. Is this it? A. Yes; yes, sir. | |
| | HIS LORDSHIP: Exhibit? | |

In the Supreme
Court

Prosecution
Evidence

No.16

Curtis Kirlew

Examination

16th December
1968

(continued)

MR. KERR: Exhibit 2. tendered, M'Lord.

Q. And that same day did you speak to Dahlia Campbell and Fedlie Brown? A. Yes, sir.

Q. Did you make investigations in this case? A. Yes, sir.

Q. Were statements taken from certain witnesses? Yes, sir.

Q. George Parry and others? A. And others, sir.

Q. Do you know when those statements were taken? A. From over a period of a week there were a number of statements collected. 10

Q. Yes. Now, on the 19th of June, this year, about 3.00 o'clock in the morning, did you go anywhere? A. Yes, sir.

Q. Where? A. I went to 21 East Road, Denham Town at about 3.00 o'clock in the morning.

Q. And were you accompanied by others? A. Detectives?

Q. Detectives? A. Yes, sir. 20

Q. And at that address did you see anyone? A. Yes, sir, I saw George Wilson.

Q. And did he make a report to you? A. Yes, sir, he did.

Q. And as a result did you go anywhere? A. Yes, sir.

Q. Where. A. I went to the room of the accused, Segismund Palmer.

Q. Where is that? A. At Ghost Town in St. Andrew. 30

Q. Where exactly is that? Is that near Trench Town? A. Trench Town.

Q. And what time you got there? A. It was about 4.30, sir, that morning.

- Q. Was he at home? A. He was, sir.
- Q. Did you identify yourself to him? A. I identified myself to him, sir, I told him that I was investigating the murder of one Cecil Henry who was shot to death in Bigger Hill in St. Ann on the late afternoon of the 14th of May, this year, and that I had received information that he could assist me in my investigations.
- 10 Q. Were you still investigating? A. Yes, please, sir.
- Q. Did he answer you? A. Yes, sir, in reply he said...
- Q. Wait! Was George Wilson there then? A. He was outside in a car, sir.
- Q. He wasn't present? A. No, sir.
- Q. Did you hold out any inducement or promise to him to answer you? A. No, sir.
- 20 Q. Did you use any threat or duress? A. None whatsoever, sir.
- Q. Did he answer just as you told him that? A. Yes, sir.
- Q. And what did he say? A. "Me no know a t'ing 'bout it, sir."
- Q. Now did you - what did you do next? A. I took him along with us, sir, in a service vehicle. We went to 16 Crescent Road, St. Andrew.
- 30 Q. There did you see anyone? A. Yes, sir, Valentine Wilson.
- Q. And did you speak with him? A. I spoke with him, sir, he made a report to me.
- Q. Yes? A. I took him along with us, too, sir.
- Q. Yes? A. All three of them to C.I.D. headquarters.

In the Supreme
Court

—
Prosecution
Evidence
—

No.16

Curtis Kirlew

Examination

16th December
1968

(continued)

In the Supreme
Court

Prosecution
Evidence

No.16

Curtis Kirlew

Examination

16th December
1968

(continued)

- Q. Now, at the headquarters, what happened?
A. I took Segismund Palmer into an office there.
- Q. Yes, and? A. And I called Wilson.
- Q. Which? A. George Wilson.
- Q. Did he come? A. He did, sir.
- Q. And what happened when he came? A. I told him to tell me what he had told me earlier.
- Q. Did Wilson say anything? A. Yes, sir, he went on to tell us of a story.
- HIS LORDSHIP: Wait!
- MR. KERR: Can you tell us as best you can remember what he told you? A. Yes, sir.
- HIS LORDSHIP: He was there? A. Presence and hearing of the accused.
- MR. KERR: In the presence and hearing of the accused? A. Loudly, sir. He told of a story in which he said that on the 14th of May, this year ...
- Q. Yes? A. ... he left his mother's house at Bethany along with Segismund Palmer and Valentine Wilson ...
- HIS LORDSHIP: Yes! A. ... to Simms Run in this parish. He said while on their way he requested and was given a revolver by Segismund Palmer.
- MR. KERR: That is the accused? A. That is the assued.
- Q. Yes? A. He said they entered the premises of Dahlia Campbell, there he found Dahlia and two men. He said he told Dahlia that he wanted some ganga to buy but Dahlia was doubtful that they were police. He persuaded her that they were not police and she went to the back of her house ...
- HIS LORDSHIP: Yes? A. and brought some ganga in her hand. He said he agreed to buy the

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20

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ganga and told her to bring the ganga. She went back and brought a crocus bag and some mention about they have it there luggo, luggo or something like that.

In the Supreme
Court

—
Prosecution
Evidence
—

No.16

Curtis Kirlew

Examination

16th December
1968

(continued)

10 MR. KERR: Yes? A. Well, he said he fired two shots in the air to scare them and all three of them ran away leaving the ganga. Wilson said they took charge of the bag, George, and they left by way of Higgin Land, the direction of Higgin Land. He continued saying that on reaching about half mile from Campbell's house the accused requested the return of his revolver. He said after some deliberations he handed the revolver to the accused and they continued their journey.

20 Q. Yes? A. He said on reaching a point they heard shouts behind them and they continued for some distance till they saw some men, a number of men before them and they turned off and entered this hill. He said they went into a clump of bush on this hill and while there, stooping, they heard footsteps coming towards them.

Q. Yes? A. The accused, Palmer, he said, fired a shot.

Q. Yes? A. He said Palmer attempted to fire another one but he held his hand and advised him not to fire any more shots.

30 Q. Yes? A. He said they moved from that spot.

Q. Yes? A. ... to a higher section on the hill where they went into another clump of bush. He said the accused - he said they heard footsteps coming toward them; again, the accused attempted, held up his hand and attempted to fire. He held his hand and advised him not to do so. He said he heard the footsteps again. He said the accused attempted to fire again and he held his hand and advised him not to fire.

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Q. Yes? A. He said that the footsteps by then had got near to them and he saw the shadows of two men. Just then the accused

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No.16

Curtis Kirlew

Examination

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(continued)

fired two shots and they ran off the hill. He said while running they saw three men trailing them after they got down off the hill on the flat. Hessaid the accused shouted to the people, to the three men, that if he had any more shots he would have killed them. He said they continued their journey until they lost sight of the three men who were trailing them.

- Q. Now, after George Wilson gave this account did the accused man say anything? A. Yes, sir. 10
- Q. Did you induce him to answer or make any statement at all? A. No, sir.
- Q. Did you use any duress on him? A. None whatsoever, sir.
- Q. What he said? A. "Me no know them, sir." meaning Valentine and George.
- Q. Now, when George was relating his account where was Valentine? A. He was out of hearing, sir. 20
- Q. And did you send for him? A. I sent for him, sir.
- Q. He came? A. He came.
- Q. And what happened when he came? A. He related a similar story, sir, loudly, in the presence of the accused.
- Q. And did the accused say anything? A. Yes, sir.
- Q. What he said? A. The accused said, "Since a so it go and dem a bredda and dem say a me, a Val. shoot the man." 30
- Q. Do you recall whether or not Valentine said anything to that? A. He made no reply, sir.
- Q. Did the interview end right there? A. It ended right there.

- | | | |
|----|---|---------------------------|
| | Q. Do you know if identification parades were held? A. Yes sir, on the 12th. | In the Supreme Court |
| | Q. Did you arrest the accused man for murder? A. I did sir. | Prosecution Evidence |
| | Q. Was it before or after the parade? A. After the parade sir. | No.16 |
| | Q. Upon arrest did you caution him? A. I did sir. | Curtis Kirlew Examination |
| 10 | Q. Did he say anything? A. He made no statement sir. | 16th December 1968 |
| | Q. Did you arrest a man, George Wilson? A. I did sir. | (continued) |
| | Q. Was he also on the parade? A. Yes sir. | |
| | Q. Was it before or after the parade? A. After the parade sir. | |
| 20 | Q. What did you arrest him for? A. Shooting with intent at Dahlia Campbell, shooting with intent at Fedlie Brown and larceny from the dwelling of money, the property of Dahlia Campbell. | |
| | Q. Now was this on the 12th of June you arrested him? A. Yes sir. | |
| | Q. No order has been asked for in these charges? A. Yes sir. | |
| | <u>CROSS-EXAMINATION BY DEFENCE COUNSEL, MR. ROPER</u> | Cross-examination |
| | Q. I take it you arrested George Wilson for shooting with intent at these three people, Dahlia Campbell, Fedlie Brown...? A. Yes sir. | |
| 30 | Q. And anybody else? A. No sir; is only those two. | |
| | Q. Oh, Dahlia Campbell, Fedlie Brown - because you did not accept when he said he shot in the air? A. No sir, that is it. | |

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(continued)

Q. You arrested George Wilson because you did not accept the story that he shot in the air? A. I arrested them on the complaint of the complainant for those offences.

Q. But he had told you that he shot in the air. A. He said so.

Q. And that when he shot in the air they ran? A. Yes sir, that is what he said.

Q. Now, you say that the accused said that it is Valentine who shot the man? A. Yes sir.

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Q. And Valentine said nothing to that? A. Nothing to it.

DEFENCE COUNSEL: Thank you.

CROWN COUNSEL: Any questions, m'lord?

HIS LORDSHIP: No.

CROWN COUNSEL: That, if your Lordship pleases, is the case for the prosecution.

REGISTRAR: Sigismund Palmer, you have heard the evidence against you. Now is the time for you to make your defence. You may go into the witness box and give evidence on oath and be cross examined like any other witness and afterwards you may, if you choose address the jury as well, or you may make a statement from where you stand in which case you will not be cross examined, or you may say nothing at all. You are also entitled to call any witness whom you desire to call in support of your defence. What course do you want to adopt.

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ACCUSED PALMER: I will stay here and say what I want to say.

DEFENCE COUNSEL: M'lord, the accused will make a statement from the dock.

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Sigismund
Palmer

HIS LORDSHIP: Speak clearly so that the jury can hear you. Where do you live?

ACCUSED PALMER: I am living at 21½ Langston Avenue.

HIS LORDSHIP: What is your occupation?
A. Mechanic and mason sir.

HIS LORDSHIP: Tell me what you have to say.

10 A. Well I have known Valentine Wilson for about seven years, sir, and his brother George for about four years, sir. And sometime in May, about the Sunday before - I don't quite remember the date, sir - but they had come to my home sir, and told me that they were going to the country to pay their parents a visit. They asked me if I would like to take the trip with them sir. I said yes, sir.

20 When we leave they took me to the bus stop at West Parade and all three of us take the Mayflower bus down sir. We reach down about ten o'clock the night and we went to their home sir. Next morning about five o'clock they wake up. They said they are going to a piece of land that their father have somewhere in the mountain.

30 Roy took a little small travelling bag with him sir. We travelled say about eleven o'clock the day, sir. When we travel we were going through a little track through a hill, sir, and we all three stopped for a rest sir. He start to tell us about a show he saw, one 'Silver Dollar' sir. He take from it - he draw the zip from the bag sir and he take out a gun from it sir and he took some - a parcel from his pocket sir. He put some shot in the gun sir. His brother, George, turn to him and sey, 'Let me see it,' sir. Him sey him nah

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lend nobody it, sir. George say to him sey, well then if a gun in the company if him along want to have it,' sir. He pass it to George sir.

He then said to George it must either him or George who must keep it sir, must use it sir. We start the journey again sir. George didn't give him back the gun sir. We reach over the other side of the hill sir. We saw some people was there working sir. George went and asked for some food sir. There was some food given to all three of us sir. Three men and one woman was at the grung, sir. One of the man ask what we are about sir. George say we are looking for herbs to buy sir. One of the man say to him that we can get it right here sir. Him call a woman from out of where she was and the woman come and the man suggested to her. The woman came and the man tell her we are looking herb to buy sir. She left and went away, sir. After she gone the men them of the grung take some yam head into a hamper and a basket sir, and they started out the grung sir. George call us away, me and Valentine one side sir. Him sey we can get some herbs, we are not going any further we we can turn back, sir.

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We followed behind the three men, sir, to a new grung where they was making sir. We were on there waiting until the woman return sir. When she returned she returned with a half pint bale bag of herb sir.

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HIS LORDSHIP: With a what, a half pint bale bag?

A. She said she never understand how it handle sir. She open it and show it to us, sir. George say he could not have taken that for the first buy sir. He started to leave the grung. She sey to we that a woman up the top by Dahlia Campbell, sir sey she have some to sell; if we have done any business with her she must send us to her, sir.

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When we make the second start to leave the grung where she was sir, we saw that man on the road sir, that one there in the cream shirt and the black jacket. Accused points to Augustus Johnson). He said to we, 'What you looking?' Him say if oonoo get what we looking we must give him some. George say we don't got it yet sir. Him sey him know a what and we can got some from him. He took we to his yard sir. He went away and took a plastic bag with some herb in it sir.

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He went to his house and took a scale. He comes and he weigh it and it weigh four and a half pounds sir. George open the bag and look at it sir. Him, George, say to him, 'That is colly but it not dry' sir. Him sey if he take us to Dahlia Campbell, sir, and for her herbs can mix that one, the one that that man have selling, sir, he would take his own in the return sir.

He started - he take us to Dahlia Campbell's yard, sir. When we reach Dahlia Campbell's yard we saw two man sir. Quickly after we went there the two of them leave sir and that man also leave sir. We then saw that man out the corner, sir, that man out the end there sir; he comes at the yard. He called Dahlia and talked with her one side, sir. He joined with us and we all started to argue sir. George sey to him that we are looking herb to buy sir. Him sey, 'it look like oonoo a police.' And George said no sir. He and Dahlia start to argue about colly herb sir. That man says to Dahlia that we are not police; she can go and bring some and show us, sir. She went to a little thicket behind the house sir, and she returned with a handful of herb sir. She gave it to George, sir. George take about three bunch out of it sir. He gave me one and he gave Valentine one. He made three cigars, sir, and he take som and make a cigar too sir.

Four of us started to talk sir and smoke. He said he would like to sell us some too

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sir. George said he is buying Dahlia's own so he will buy some from him if is the same quality sir. George said to him sir, 'Go and tell that man - go and bring his own and tell that man when he was coming to bring his own tco' sir. He went away, sir. When he go Dahlia went, Dahlia and George make arrangement over the price, sir, at £10 for a pound weight, sir.

Dahlia returned and bring half, big bag, sir, crocus bag. She spread two fine bale in the yard and throw it out on them, sir. George looked at it, sir, she put back some in the big bag from which she throw it out, sir. She put the remainder of what left in the other bag that she take it off, sir. He exchanged bag, from the big bag to the other fine bale bag, sir, and then that man return, sir, and he brought some herb. He took a piece of dry stick, sir, a yam stick and he stretched it from one tree to a peg that was stick up in the yard sir, a fence. Dahlia went into her house and she brought out a scale, sir. He hang the scale on the wood, sir, that was stretched for the herb to weigh on.

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She returned to her house and she brought out a tin of milk, sir, and she also weighted the scale, sir, then they started to weigh the herb, sir, then that man returned back with his amount of herb, sir, ... (pointing to someone in the courtroom) ... and they started to bag in the bag after it was weighed, sir.

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George stoop beside the house, sir, and suddenly he spin around, sir, and him - he said, "Unoo naw blood clawt run?" Dahlia started to run, sir, from the yard, sir. This man spin round toward George, sir, ... (pointing at someone at back of courtroom)... and George fire a shot at him, sir. That man out the corner say, "It naw go so", sir. (pointing at Fedlie Brown.) George say, "It look like you is a blood clawt bag man, you no out fe run." and him fire a shot after him, sir. He then point the gun toward me, sir. and there was two machete in the yard and he said,

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"Take one." He cut down the scale from off the stick that it was hang on, sir, he put it in the little travelling bag, sir. He said to me, "Take one bag with the herbs and come", and Val take the other bag, sir, and we started from the yard, sir.

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(continued)

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When we travelled about mile and half, sir, Val stopped, he said, "All right, George, give me the gun now." George say then it no all right, mek me keep it.

HIS LORDSHIP: What's that?

ACCUSED: Him say if it no all right, sir, why him no want him to keep it, sir; him say him want to put some more shot in it, sir, that fire out. George pass the gun to him, sir, he took a parcel from his pocket, sir, and he filled back the gun from it with shot, sir. When we travel about 15 chains more, sir, Val. pointed to George and show him marl place and say that is the main road. George say yes and it best for us to turn off now, sir. Where we stop and was talking, on we right hand of the road, sir, there was a track between two ground that lead upon a hill, sir, where we branch off. Val. lead in front, sir, I was in the middle, sir, and George was at the rear, sir.

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When we was going to the rest of the hill, sir, we saw some men was coming before us, sir, from where we branch off. One of the man said, "Who unoo man going up the hill there?" Val. say, "Man a trod through earth", sir. We continue on the hill same way, sir. We heard some of the man start to bawl out and say, "See dem ya! See dem ya!" We continue till we reach the flat of the hill, sir, where we met upon a field of herb, sir, planted herb. We walk above the herbs on the right hand and we go right in the hill, sir. When we was in the hill Val. took off his shirt, sir, he had on a white diamond merino, sir. I said to him, "Why you take off the shirt and have the merino and they can see the merino for it white, from afar?", sir.

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He said to me "how far you think they can come?"

We hear some talking coming close on the hill, sir, where we glance two men were coming in, sir. George turn to him and says, "Well, it's your time now." He fired two shots, sir. We hear the footsteps were running away, sir. We hear some man from down a the bottom of the hill, sir, the level say, "Dem no gone, hear dem up a hill de a fire shot." A man said, "Come and tell Palmer say mus' come with him gun." George turn to me and say I must give him the machete, sir, I give it to him, sir, he started to chop an entrance to down bottom land, sir, where we meet upon another herbs field at the level, sir, then Val. hold on to a root of the herbs and was pulling it up, sir. I call George and tell him what him doing, sir, show him what him doing, sir, Val. George say him mus' leav it and he return and ram it with his foot, sir, and we started to another hill, sir, that was before us. While we was in the hill we hear some voice around the surface of the hill, sir, say them don't gone, them up in a the fairy hill, sir. While we was in the hill, silently, we hear a hard clearing from before us, coming toward us, sir, through the thicket. We was all stoop down one behind one another, sir. Val. was in front, I was in the middle, sir, and George was at the rear end. When the mashing start, Val. rise with his gun, sir, and he started to fire some shots, sir. George say, "All right, come now"m and he start to chop his way back out of the hill; I followed behind, sir. When we reach about a chain and a half on the level, sir, I did not see Val. sir, were coming behind me. I stopped George and tell him that I haven't seen Val. sir, where he is. He replied to me if a don't see him have gun and by himself, if a don't see him, come. We started on, sir.

HIS LORDSHIP: Yes?

ACCUSED: I turned around and see Val. coming

there, sir, nothing don't wrong with him. When we travelled about 15 chains more, sir, down off a grade, sir, we heard some stone was flinging, sir, and we started to run again, sir. Val. run pass me and George, sir, with the gun and was firing like this but no shot was empty out the gun. We saw three men was following us, sir, and was throwing stone, sir, where George said he had a machete and if it was the herb they want he prefer to chop off a man neck more than them take it back, sir. Well, we run until the man them stop follow us, sir.

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We travel to must be Brown's Town; I don't really know the place, sir, but I believe is Brown's Town where they took the Mayflower bus, sir, come off at their mother yard - gate. It was about half past five the morning, or seven; we went to the yard with the herb sir. The herb was being shared between me, George and Valentine and his mother, sir. His father was there but he would not interfere, sir. We stayed there. George said we are not going into Kingston until Friday, sir, for a road block can locate us on the road. And we leave on the Mayflower bus to Kingston the Friday morning, sir.

About week and a half after we were in Kingston sir; Valentine come to my home, sir and says to me his mother had write a letter from the country to George telling him that a man got shot in the country, sir, and he know that George can't read sir, and when he sent him the letter, sir, she is sending his smaller brother, Sydney, to come to the country and find out if is true, sir. And they said she do so.

Another day he and George come to the home and said to me if anyone come and ask me concerning what he hearing what they tell me I must say I don't know them for nobody knows me, sir for no one wants to be the crown evidence if anything goes wrong or they are going to charge for the offence.

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Sunday before we get arrest, sir, Val come back to my home the Friday sir and he said that his father come and look for him but he had not come to his home. He come to his sister home and them come to his yard and tell him about what happened, sir, but he and him make it up sir. Both of them make it up sir. And the Sunday we was arrested and taken to Jail, sir.

Then I have heard George give a statement to Inspector Kirlew, sir and I heard George give the statement to Mr. Kirlew sir; in my presence where I did say that I don't know them sir. The identification parade was hold about three days after, sir. And then I was charged by Mr. Kirlew with the murder, sir.

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Then on the 22nd of June, sir, George had made a phone call about three times for the flying squad police sir; and I have received - he reported that the gun was his brother's sir; and he promised to take them where he and his brother hide the gun underneath Val's house bottom sir; because the gun is for Val. sir. A statement was given to a detective seargeant from Denham Town, but I don't know if they did went there sir. Well that is what I know happen sir.

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HIS LORDSHIP: That is all?

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A. Yes sir.

DEFENCE COUNSEL: That, m'lord, is the case for the defence.

TIME: 1.08 p.m.

JURY ROLL CALL ALL PRESENT

CROWN COUNSEL, MR. KERR, ADDRESSES - 2.26 p.m. -
3.08 p.m.

DEFENCE COUNSEL, MR. ROPER ADDRESSES - 3.09 p.m. -
3.52 p.m.

SUMMING-UPIn the Supreme
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No.18

Summing-Up

17th December
1968SUMMING-UP OF THE HONOURABLE MR. JUSTICE ROBOTHAM

Yes, Mr. Foreman and Members of the Jury, we are now in the closing stages of this trial and it is now my duty to sum up the case to you. This case has lasted some time and if, of necessity, I have to take a little time over it then I must ask you to bear with me.

10 The indictment charges the accused, Segismund Palmer, with having on the 14th day of May, 1968, in the parish of St. Ann, murdered Cecil Henry.

Now, in the broadest outline, Members of the Jury, the case for the Crown is that the accused and two others went to the home of Dahlia Campbell on the 14th of May, last year, evidencely to purchase ganga. The two others were the two Wilson boys, namely, George Wilson and Valentine Wilson. When the ganga was produced and they had bargained for it the witness, George Wilson, who had the gun is alleged to have fired some shots whereupon people in the yard all scattered and the three of them, the accused and the two others, took the gange which had been produced and they left Dahlia Campbell's home without paying for it. After having left the home the accused from whom George Wilson is supposed to have got the gun earlier re-possessed himself of the gun and he was seen by villagers going up into the hill and ending up at Bugger Hill and in the Bugger Hill the accused is supposed to have discharged shots one of which killed Cecil Henry. That is the bare skeleton, Members of the Jury, of the Crown's case.

40 The defence also, to put it in a nutshell, is saying that they did not fire the shot, it was not the accused who fired the shot, it was Valentine Wilson who at all times had the gun and who fired these shots which caused the death of Cecil Henry. But in any event whether it was Valentine Wilson or the accused who fired the shots, whoever fired them, that is what the defence is saying, whoever fired them, fired them in self-defence. In due course, Members of the Jury, we will have to go

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through the evidence in more detail but I have just put it in that simple form so that you can bear the issues in your mind as we go along.

Now, my duty in this case, Members of the Jury, is to tell you what the law applicable to the case is and that is the law which you will have to apply to the facts such as you find to be proven. You must take the law from me as I give it to you but you are the sole judges of the facts and my only duty in relation to the facts is to remind you of the evidence which has been given from the witness box and to make such comments as I might consider necessary or that may be of assistance to you in arriving at your verdict but you will bear this in mind seeing that you are the sole judges of the facts, any comment which I might make you will only act upon it or adopt it if it happens to coincide with your view. If I make a comment and you do not accept it then you summarily discard it, reject it and apply your own view. The same applies, Members of the Jury, any comment which may have been made in their address to you by either counsel for the defence or counsel for the Crown. If anything that they have said may be of assistance to you then you may adopt it, others, you treat it in the same way as you would treat any statement that I might make with which you do not agree.

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Now, Jamaica is a small place, Members of the Jury, and St. Ann is even smaller, only a part of Jamaica and when you all live in a community it is difficult not to have heard outside talk about the matter over which you are now enquiring but I must ask you, under no circumstances whatsoever to allow any extraneous gossip or outside talk or anything which you have have read about in the paper to colour your verdict or to colour your deliberations in this case in any way. You are not to allow any prejudice that you might entertain as to ganga trafficking or against persons who might deal in or handle or sell ganga. You are not to allow any sympathy or prejudice to colour your mind at all. You are to decide this case solely in the tight compartments of your mind as you sit in that jury box and on the evidence, the sworn evidence which you have heard in this court.

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Now, in most criminal trials, Members of the Jury, it is always possible to find variations in the evidence given by the various witnesses. It is seldom and when it does happen it is viewed with suspicion, it is seldom that you find witness after witness being able to go into the witness box and recite the facts in identical detail, and those variations or discrepancies or inconsistencies or contradictions, whatever you want to call it means the same thing. It means variations in the evidence given by different witnesses. Now, this variation may be due to a variety of reasons and one of the main reasons when you find these contradictions is when the events are not of very recent origin. Now, this incident is supposed to have taken place in May and this is December, almost Christmas when the case is being tried. There may be other reasons which you will probably decide for yourselves when you come to view the evidence but, how do you deal with these discrepancies? If they are slight, Members of the Jury, then you might think that they do not really discredit the particular witness, on the other hand if they are of a serious nature then you may well say that you cannot believe the witness on that particular point. It is for you to say whether or not you can reconcile these discrepancies and in examining the evidence - or whether you regard them as of so serious a nature as to cast doubt on the credit of the witness or witnesses. And in viewing all this you must take into account, Members of the Jury, the intelligence of each particular witness, what you think his powers of observation are and, say, the passage of time which may have elapsed between the happening of the event and the trial of the case.

You, as judges of the facts, you must decide what evidence you are going to accept and what you are going to reject. There is no rule of law, Members of the Jury, that you are bound to accept, hook, line and sinker, every word that a witness says in the box. On the other hand the contrary is also true, you are not obliged to reject everything he says because you might find that he is not speaking the truth on any particular matter and in dealing with these discrepancies and the evidence of the witness you may accept a part of his evidence and you may reject the rest or you may accept the whole of his evidence or, on the

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other hand, if you are satisfied that he is such an untruthful witness you may reject the whole of his evidence. So, you see, you can reject a part and accept a part; you can accept the whole or reject the whole, those are alternatives which are open to you. You will pay particular attention to this direction on discrepancy because in this case, undoubtedly, you will find that there were discrepancies and when you come across them then you will address your mind to it in the manner in which I have just indicated to you.

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Now, in every criminal case, Members of the Jury, the accused is always presumed to be innocent until he is proven guilty by your verdict. He is never at any time required to prove his innocence. The burden rests on the prosecution throughout and it never shifts during the conduct of the case and even where the defence of self-defence is raised, Members of the Jury, as in this case, there is no burden cast on the accused to satisfy you that he was acting in self-defence. It is the Crown which must satisfy you so that you can feel sure that he is not acting in self-defence. I will advert to that at a later stage but before you can convict the accused the Crown must so satisfy you by the evidence so that you can feel sure of his guilt. As I said there is no onus on him to prove his innocence but he may, during the conduct of his case attempt to do so. If he succeeds in doing this then you have to say that he is not guilty. If you are left in a state of doubt on any of the issues then, equally, your verdict will have to be not guilty. But even if he should fail in his attempt, Members of the Jury, then you must consider all the evidence including the statement which the accused gave from the dock and say whether you are so satisfied, satisfied by the Crown so that you can feel sure that the prosecution has proved its case.

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It is only when you are so satisfied that you can say that the accused is guilty. Any other case your verdict would have to be one of not guilty.

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Now members of the jury, in a criminal case the crown is never obliged to prove any motive but in cases where a motive for a crime can be established then it tends to strengthen the case for the

crown; and you might very well ask yourselves in this case was the motive here when the shot was fired by whoever fired the shot to escape with this ganja for which they had not paid?

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10 Now in cases of this nature, members of the jury, where as I said before, you are the judges of the facts, having ascertained the facts which have been proven to your satisfaction you are entitled to draw reasonable inferences from those facts which have been proven to your satisfaction. Where direct testimony, that is evidence, I see testimony it is sometimes referred to, where direct testimony is not available to prove the offence charged or any aspect of it you are entitled to refer to the facts proved or the facts necessary to complete the evidence of guilt or established innocence. But although you are entitled to draw reasonable inferences from proved facts, members of the jury, those inferences must be quite incapable - they must not be capable of explanation on any other business and you must not draw an inference unless you are quite sure that it is an inference that can be drawn from those proven facts, and if there are two inferences to be drawn from any set of proven facts, one in favour of the accused and one which is prejudicial to him, then you must draw the inference which is favourable to the accused.

30 Now members of the jury, the indictment as I have told you, charges the accused with the murder of Cecil Henry on the 14th day of May, 1968. The offence of murder is committed when one person by a deliberate or voluntary act intentionally kills another. I repeat; the offence is committed when any person by a deliberate or voluntary act intentionally kills another. In order to amount to murder the killing must be, one, the result of a deliberate or voluntary act, that is it must not have been by accident because if it was by accident then it would be no offence at all. Secondly, the killing must be intentional, that is a very important ingredient, members of the jury. It must be intentional. That is to say the act which resulted in death must have been done or committed with the intention either to kill or to cause or inflict serious bodily harm. But there are circumstances where a deliberate and intentional killing is not necessarily murder. A deliberate and intentional killing done in the course of lawful self defence is no offence at all.

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But anyhow, let's return to these ingredients and see what the crown must prove. The crown must first of all prove the death of the deceased. It must prove in the second place that it was the accused who killed him or caused his death. Thirdly it must show that it was by a voluntary or deliberate act, and fourthly, that he intended either to kill the deceased or to inflict really serious bodily harm on him. This intention has to be proved and proved by the crown like any other ingredient of the offence.

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Intention, members of the jury, is not something that is capable of positive proof. In other words you cannot see or touch a person's intention because intention is a state of mind, and the only practical way of proving what a person's intention was is by inferring it from his words or his conduct, and in the absence of evidence to the contrary you are entitled to regard the accused as a reasonable man, that is to say an ordinary, responsible person capable of reasoning, and in order to discover his intention, therefore, in the absence of any expressed intention, if there is none, you look at what he did and ask whether as an ordinary, responsible person he must have known that death or serious bodily injury would have resulted from his actions. If you find that he must have known that death or serious bodily injury would result from his actions then you may infer that he intended the result and this would be satisfactory proof of an intention required to establish the charge of murder. And lastly, where the defence of self defence is raised you must be satisfied by the crown that the killing was not done in self defence.

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Now in this case the person who was killed was Cecil Henry. Admittedly the accused did not know Cecil Henry or probably any of the party on the hill that day. But if you find, members of the jury, that it was the accused who deliberately, voluntarily and intentionally fired into that pursuing crowd, if you find all the other ingredients of murder which I told you the crown will have to prove to your satisfaction, then it does not matter which member of the crowd he killed, if he fired a bullet from the gun. It would be the same whether it was Granville Fearron or Cecil Henry or anybody else. So the defence which has

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been raised is one of self defence; so it is necessary now, members of the jury, for me to tell you about self defence.

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10 A man who is attacked in circumstances where he reasonably believes his life to be in danger or that he is in danger or serious bodily harm, may use such force as on reasonable ground he believes is necessary to prevent and resist the attack. And if in using such force he kills his assailant he is not guilty of any crime even if the killing was intentional. And in deciding in a particular case whether it was reasonably necessary to have used such force as in fact was used regard must be had to all the circumstances of the case including the possibility of retreating without danger or yielding anything that he is entitled to protect. Now self defence, members of the jury, consists of the following; this is what you have to consider;

20 one, that there was an attack upon the accused and that as a result the accused must have believed on reasonable ground that he was in imminent danger of death or serious bodily harm. The force used by the accused must have been used to protect himself either from death or serious bodily injury intended toward him by his attacker or from the reasonable apprehension of it induced by the word and conduct of his attacker even though the latter may not have in fact intended death or serious bodily injury. So it is not a question of what

30 the attacker intended but did he have a reasonable apprehension that he was in danger of death or serious bodily harm - imminent danger, impending. Furthermore, members of the jury, the force used must not be by way of revenge and he must have believed that on reasonable ground that the force used by him was necessary to prevent or resist the attack and in deciding whether it was reasonably necessary to have used as much force as was used regard must be had to all the circumstances of the case.

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In this case whoever fired that gun it was a gun that was used. You must bear in mind the possibility of his retreating. The law says you must retreat for if he could safely retreat then it was not reasonably necessary to use such force at all, if he could reasonably retreat. But circumstances arise sometimes where it is not reasonable to retreat. For instance he cannot retreat

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if it is physically impossible for him to do so. If a man is pursued and he is pursued where he finds his back against a wall and he can go no further, then acts of retreat would have been cut off and then he is entitled to act. So as I said, he cannot retreat if it is physically impossible to do so, nor is he obliged to retreat if this will expose him to danger of his life or serious bodily injury. In other words if the attack is so fierce as to prevent you from retreating without being seriously injured or killed, then you are not obliged to retreat. I will give a simple example, members of the jury. If a man comes down with a machete and he holds it up over your head and is about to come down on your head with it, then if you turn and retreat at that stage then you are exposing yourself to serious bodily injury because by the time you turn your back the machete will be in the back of your head. This is what is meant by the fierceness of the attack. There is no duty to retreat if there is a forcible or violent felony being attempted upon you or manifestly attempted against you, you must consider the nature and the extent of the force used upon the accused and the force which was in turn used by him to repel it. If excessive force was used, Members of the Jury, the act might not have been done necessarily in self-defence and the plea would not be to any avail, but in all this you must bear in mind that the onus remains throughout on the prosecution to satisfy you that he was not acting in self-defence and if under consideration of all the evidence you are left in doubt as to whether the killing may or may not have been done in self-defence the proper verdict would be one of not guilty.

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Now, Members of the Jury, we are about to turn to the evidence in this case and to assist you in evaluating the evidence as the events took place that day, I am going to segment the evidence. First of all I am going to deal with the evidence of the two Wilson brothers because their evidence runs like a thread through the whole case from beginning to end then after that we will turn to the events in the yard of Dahlia Campbell, after that we will turn to the evidence in the hill and then we will go on to deal with the rest of the evidence in the case.

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Now, in so far as these two Wilsons go, Members of the Jury, you have been addressed by both counsel on the question of whether or not they are accomplices. Now, an accomplice is a person who participates actively in respect of the actual crime charged. He must take part in it, Now, the actual crime charged in this case is murder. We are not concerned with whether they were accomplices in the purchasing of ganga or the stealing of ganga, the actual crime with which we are concerned here is murder; what the law describes as persons who are in particeps criminis in respect of the actual crime are accomplices, and in a case, Members of the Jury, where it is not clear that the witness was a participant in the particular crime but there is evidence from which you, the jury, may find that he was then, it must be left to you to decide whether he was an accomplice or not. If you should decide that he was an accomplice then I have to warn you that the uncorroborated evidence of an accomplice is admissible in law but I must further warn you that although you convict on such evidence it is dangerous to do so unless you find that there is corroboration of his evidence and by corroboration I mean some independent evidence of some material fact which implicates the accused persons and tends to confirm that he is guilty of the offence. But I am afraid I have to go a little further than that, Members of the Jury. The law says or rather, it is now established that in cases where a person might have an interest to serve it is desirable that I should give you a warning similar to that as regards accomplices so, even if you should find that they are not accomplices I find it my duty to warn you that it is abundantly clear in this case that both these Wilsons would have an interest to serve bearing in mind that George himself was charged with shooting with intent and the charges were dropped against him.

The accused is saying that it was Valentine who fired the shot and not him; George would be anxious to clear Valentine in the eyes of the police and in your eyes and in the eyes of the law and George would be anxious to present himself in a favourable light so the desirable effect of having the charges dropped would have been achieved and both of them would be anxious to clear themselves in the eyes of the district so, it seems quite clear, Members of the Jury, that they are so mixed

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up in this thing that it can fairly be said that each of them had an interest to serve and therefore it is my duty to warn you that it is dangerous to convict on this evidence unless you find corroboration.

As we go through the evidence I will endeavour to point out the different pieces of evidence which if you accept it you may regard as corroboration. Now, we will deal first, with the evidence of George Wilson. George told you he is a mason; he lived at 21 East Road, St. Andrew; that he knew the accused for about two years and on Sunday the 12th of May he was at his home with the accused came there at about 4.00 o'clock in the evening and the accused asked him for his brother, Valentine. He told him that Valentine lived at 16 Crescent Road which was about two miles from his house. Anyhow, they both left and went as far as 7th Street in Trench Town or Ghost Town where they met up Valentine.

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Both Valentine and George told Palmer that they were going to Alexandria, Bethany, to be exact, to visit their parents as they had heard that their mother was sick. George said that they also had the intention to buy some ganga but Palmer did not know of it until they reached down there. Palmer said he would like to come whereupon they agreed for him to come. They left about 4.00 o'clock the following day and all travelled by bus to Alexandria getting there about 9.00 o'clock and they spent the night at their father's yard; in fact one of the brothers and the accused slept outside on the step. And on the 14th, that is, the next day now, the day of this fatal day, they left home at about 6.00 o'clock, all three of them, George, Valentine and the accused, they went to Buxton direction. Now, they proceeded until they found themselves at Simms Run. Now, George says that about mid-day they had some lunch and after lunch Palmer said that he wanted to use the lav. He went into the bush, as you were told by the other witness, and after he was finished George saw him push a short gun in his pants waist and George said to him, "Segi. you have a gun, give me the gun", and he gave George the gun.

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At Simms Run they went to Dahlia Campbell's home and he says he still had the gun. They all

went into her yard and spoke to her in the presence of Palmer while he told Dahlia that he was informed that she had ganga selling and he asked her if he could get some to buy. She was a bit reluctant saying that they were police. Anyhow, after some persuasion she went to the back and said she was going to give them a sample and she brought a handful and all three of them tested it, that is all this witness said, they tested it but the other brother, Valentine said that they each - the manner of test was by a smoke. Well, having tested they decided it was the real stuff and whilst they were arguing in the yard now, two other persons, Fedlie Brown and Augustus Johnson came into the yard. That after they had tested her ganga she went and she brought a bale bag of ganga and they started to weigh it whereupon Fedlie Brown and Johnson brought some of their ganga and they also had their amounts weighed.

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Now, after the weighing the accused, I beg your pardon, the witness, George, said, "What a way unoo have ganga in the country legge, legee and it is against the law", whereupon Dahlia ran, Fedlie Brown ran and Augustus Johnson ran. George said when they reached the flat he took up the ganga and her machete and fired two shots which were in the gun, they were all gone. Valentine Wilson carried one bag, Palmer one bag and he had the gun and a machete. They headed along the road to Higgin Land and when a little distance from Dahlia's home, Palmer, the accused, demanded the gun whereupon George said that since it reached to this it better that he carry the gun. Valentine said the gun was not passing from hand to hand. Apparently George did not want Palmer to have the gun, neither did Valentine want Palmer to have the gun. If you will remember that, they told you that they were known in the area and they did not want any shooting in the area. Anyhow, when Palmer - when George refused to give him the gun, Palmer said, "Give me the rass gun because is your country and they are not going to hurt you as they know you but they will hurt ..." him, Palmer. Well, he says he gave him the gun and thereupon he took the bag of ganga from Palmer.

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Now, there is some difference in the evidence as to who and who were carrying the bag at various stages but you will bear those differences in mind,

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Members of the Jury, and consider whether you think them real serious. He says while going along they saw a little boy passing with a bag of ganga also, this was about 3.00 o'clock, and after the boy passed them he told his friend softly that three men had taken some ganga and had not paid for it. Having heard this, apparently they decided to turn off the main as, according to them, "We did not want to have contact with the crowd" so they went up into the hills.

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Whilst there now they heard a walking coming towards them and Palmer fired a shot; and the people ran. That is the first shot outside of Dahlia Campbell's yard now. Palmer, that got back the gun hear a mashing coming toward them. Palmer fired a shot and the people ran away and George Wilson said that at this stage he did not even see them. He only heard the mashing and he did not see them. They transferred to another hill where all three of them stooped down when they heard some more people coming. Now George goes further and he says at this stage Palmer made an attempt to fire the gun and he held his hand and told him that he did not want anyone to get shot in the country because it was his, George's country.

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He says he heard some of the men say they were still in the bush whereupon the accused made another attempt to fire the gun and this time it was Valentine who stopped him, the accused man who he said fired the fatal shot, and stopped him and told him he is not supposed to fire the shot and don't see anyone as it might shoot anyone in the bush. You might think, if you accept that piece of evidence, members of the jury, that it was sensible and sound advice. If you fire shots where people are then it is very likely that somebody will get shot.

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He said they were stooping and heard a walking coming from the direction in which they had been travelling. He said, 'they were near to us'; and he heard somebody say, 'Palmer, Palmer, come and carry you gun.' Now there was some suggestion by the defence that this 'Palmer, Palmer, come and carry you gun', was not referring to this accused, Palmer at all. That is what I gather the suggestion is from the cross examination which was put,

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but it was to some other Palmer who lived in the area some two miles away, but there is no evidence whatsoever that any other Palmer was on this hill on this day or that there was any other gun on this hill other than the gun with which were the accused and the two Wilson boys.

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10 Well George says he saw a shadow. Apparently they were close enough, and he took up his machete and started to chop his way out of the bush. He says he saw Palmer leaning on a tree with the gun in his hand. Remember he demonstrated how he saw Palmer leaning on the tree and he saw him fire two shots and then they ran out in the bushes. That is Palmer and Valentine ran out of the bushes behind George, and they both said a man got shot. George said the two shots which Palmer fired were fired by Palmer in the same direction where he saw the shadow and where he heard the footsteps. He says when Palmer and Valentine said a man get shot 20 he says Valentine said in Palmer's presence, 'Is the man use the gun and he must know whether the man get shot or not.' That is what Valentine said. Anyhow he says they turned back and saw some more men trailing them and about three of them were closest to them. Whereupon Palmer spoke to them.

30 Now at this stage when Palmer spoke to them George Wilson says that the men were about ten chains away. He says Palmer spoke loud enough that the men could have heard and he said what Palmer said was that he had a pack of shots and if they followed him till night he is going to shoot them because dead men tell no tales. He says they continued following and after about another half a mile all of a sudden he did not see the men again. All three of them, he said, returned to their father's home at Bethany and they went on the Mayflower bus the following morning with the ganja. So they did escape with the ganja. He says he 40 next saw Palmer on the Sunday at about four p.m. at his home, that is, in Kingston now, and he said Palmer told him that his people told him that they hear a man get shot in the bushes and he said, 'So a man get shot in the country;' and then he left.

On the 9th of June at about half past three he was in bed when inspector Kirlew - half past three in the morning - came there and along with other

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police, took him out. They drove to Ghost Town where they collected Palmer and from there they went to Valentine where they also collected him and they were all taken to the Central Police station whereupon in Palmer's presence and Inspector Kirlew's presence he says he told Inspector Kirlew that is Sigie, meaning the accused, shot the man, whereupon Palmer said he never knew either Valentine or himself.

Well you remember Palmer himself in his evidence told you that he did say that when the accusation was made in the presence of Inspector Kirlew; he did say he did not know them. He says when this was said Valentine was not present in the room at the time. At Simm's Run he had on a white shirt and black pants. He does not remember how Valentine was dressed but he had on a red ganzi.

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This ganzi, members of the jury, is something you will bear in mind because one witness was saying that there were two red ganzies and Valentine is saying there is only one. And when we come to it I will remind you further about what the witness says about who were the person who had the gun. Anyhow he said Valentine was the person dressed - he had on a red ganzi. He says he does not remember how the accused was dressed but he had a shallow rim felt hat. He said that he did not pay for the ganja. It was not the first visit for the ganja. He was placed in an identification parade and charges against him were laid but the charges were not proceeded with. Finally, in answer to the counsel for the crown, he, Valentine, says that he never touched the gun during the whole incident.

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He was cross examined and he says he is not prepared to take any blame for the killing nor to put any on Valentine. He says he did not see when Henry was shot. He says it was Palmer and Valentine who told him; and he repeated that he had on a white shirt and red ganzi. He says there was only one red shirt in the crowd of the three of them and it was Valentine who had on that red shirt. He says Palmer is the owner of the gun and it was Valentine who invited Palmer to come to the country with his approval. He says he did not expect to help but Palmer told him that he had his bus far and that he also had money. He says it

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was when he came to the country that he himself decided to buy ganja. He does not know if Palmer and Valentine had come to such agreement in Kingston. He it was who says that it was he and the accused who slept outside on the step and that the first time he saw the gun was in Simm's Run after the accused had used the bushes as a lavatory.

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10 He said he saw him push the gun in his pants waist after he got up. It was suggested to him by counsel for the defence that the gun was Valentine's and he denies that. He says the gun is not Valentine's; it is Palmers, and he took it from him when they were about one mile from Dahlia Campbell's home. He says he has bought ganja before in Simm's Run but that Valentine does not always come with him. It was his second time and Palmer's first. He says he wanted to have the gun through he did not want any offence committed. This is in cross examination. They knew him personally. Then
20 he was asked if that was the case why did he fire the gun from Dahlia's yard. He said when he fired the gun in Dahlia's yard they had all run away from the home; and he says he felt it was only the two shots in the gun so nothing could happen after he fired the two shots. He is saying here that he did not fire at anybody in Dahlia's yard. When he fired the shot they had left the yard already and he fired out the two shots to avert any further trouble. He says he never fired at Dahlia.

30 Now it was put to him that he went into Dahlia's house. He says he did not even reach the doorway; but when he fired at them they were already way down the gully. He said he never asked Fedley Brown why he did not run and it look as if he is a rass cloth bad man. He never said that and fired a shot at him and then Fedley ran. He says he intended to pay for the ganja but they did not wait for the money. He has not told us
40 whether he had the money to pay for it or not. Four and a half pounds ganja at £10 is nearly £50. He says he never made the remark to Dahlia because he did not want to pay for the ganja. He said he was joking. Apparently that was when he was talking about, 'legge legge' in the yard.

There were two bales of ganja. They were rice bags. Palmer carried one from Dahlia's home and Valentine one. He says he carried a weekend

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bag with ganja over his shoulder and the gun. He says it was about half mile from Dahlia's home that Palmer demanded the gun and he gave it to him and he was continually carrying it after that. He says he took the bag from him then. He says at the time he was carrying the bag Palmer was carrying the bag and he does not remember if he took charge of the weekend bag at that stage.

He was asked why he gave him back the gun and he says he gave him back the gun though he was making a fuss but he did not really want to give him back the gun.

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Now, it was put to him that the gun was always in his possession which he denied. Well, I don't know what you make of that, Members of the Jury, being put to him that the gun was in his possession because the defence was that it was Valentine who had the gun and did the shooting; he said a crowd came up the hill, Palmer turned to fire and he stopped him. He said he heard the footsteps and saw the shadows and then, "Palmer, come and carry your gun." He was asked about another Palmer in Higgin Land and he says he has heard about another Palmer in Higgin Land but he says that it were the people who were trailing him who said, "Palmer, Palmer, come and carry your gun."

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He said when he heard the footsteps he was not afraid. Yes, he decided to run to get rid of whosoever was coming. Well, now, this is what he said, "I decided to run to get rid of whosoever was coming through. I didn't want me and them to have any fuss. I didn't see whosoever it was. I wasn't frightened." How, bearing in mind, Members of the Jury, that all three of them were together, so to speak, and this witness is saying that he decided to run out of the bush because he did not want to have any contact with the people who were coming at them, if he could decide to run if he felt it was safer to run at that stage bearing mind he said that he wasn't frightened, you may very well ask yourselves, couldn't the others have done the same. Those are matters for your consideration, I merely make that comment in passing.

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He said he doesn't remember, he says he started to chop after he heard the footsteps and

he decided to run. He said he didn't know how far the men were when he decided to run and he repeated that he wasn't afraid. He says he heard Palmer saying that a man got shot and he also heard a voice in the crowd saying that a man got shot and that when he heard the voice in the crowd he says Palmer and Valentine were catching him up. You see, he ran out of the bush first and then the others caught him up on the level. He heard the last gunshot at that stage. He said when he heard the voice say a man get shot he was about five chains from Palmer and Valentine. He says he ran and left them but eventually they caught him up.

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He says he asked who got shot and Valentine said, "Is the man use the gun and he suppose to know whether the man get shot or not." This is after Palmer had said, on catching up Wilson, words to the effect that a man had got shot. He said when the last shots were fired he was running away and was about five chains from Palmer. Then it was put to him specifically that it was Valentine who fired the shots and he says it was not Valentine who fired the shots. He said when they combine together it was Palmer who had the gun so it must be Palmer who shot the man. Now, and this is important, Members of the Jury, he says at no time did he see any of the men approaching them in the hills; "When I saw the shadows coming towards me it was about eight yards away", that is twenty four feet away. He says he never saw the men as the closest they got to him was for him to see shadows and it was then that he decided to chop his way out of the bush. Asked why he did that he says his intention was to run away; there is nothing to prevent him from running away once he got out of the bush.

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He was asked if he did not think that by chopping himself out of the bush he would have given himself away, he said well, they already knew where he was so he didn't think of that and that he had heard a man say that they were in the bush. He was re-examined and he repeated that he was about five chains away from Palmer when he heard a voice in the crowd say a man got shot. He said, one shot was fired to scare people that must have been the first shot, and then the two shots. He said if was after the two shots he heard a voice say a man got shot. You remember two shots were

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found, one in Henry's head and one in the plum tree, some four or five feet away from his head in line. He says when he saw shadows eight yards away Palmer was lying against a tree with the gun in position pointing to where people were coming from. He says when he was leaning with the gun in position pointing to the direction of where the people were coming from the shots had not yet been fired. So that, is the evidence of this witness, George Wilson. So, on his evidence, Members of the Jury, the nearest that these people got to them was eight yards and at that he did not even see them, he only saw shadows and it was when they were a distance away from him that he decided to retreat. But if they were all together and he could have retreated at this stage couldn't the others also have retreated?

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I will now deal with the evidence of the witness, Valentine Wilson. He lives at 16 Crescent Road and on the 13th May, he confirmed that they went to Higgin Land and slept at their father's home, Palmer, himself and his brother, George and that early the morning of the following day they went to Dahlia Campbell's yard. They got to Dahlia's yard about 2.00 p.m.; she was at home, two other men were there. George spoke to Dahlia Campbell, they had bargaining over the ganga. She said they looked like police and was disinclined to sell them. Finally they persuaded her and finally she went and got a handful of ganga and told them the price was £10 a pound and eventually she brought out a whole bale bag about a half-size bag, opened it and started to weigh it out on a scale. While weighing it two men came into the yard and offered to sell ganga too, that must be Brown and Johnson.

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He said he had seen one of them while on the way to Dahlia's yard and made arrangements, apparently, to meet at Dahlia's yard. He said he had seen these men here today and pointed out Augustus Johnson and Felie Brown. He said they brought bale bags and opened them up and George at this stage said, "What a way unoo have it legge, legge and it is against the law" whereupon all of them ran, he said they moved away and George fired two shots from a revolver which he had got from Palmer on the way to Dahlia. There is one thing I had forgotten to tell you, Members of the Jury,

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when I was dealing with the question of corroboration. When you are looking for corroboration if you find that these two Wilsons are accomplices or that they both have an interest to serve, one can't corroborate the other. You must look to independent evidence so all that you hear this other witness, Valentine, saying now along similar lines to what George has said, you can't use that as corroboration, you must look for it elsewhere.

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10 Yes, he says he got the revolver from Palmer on the way to Dahlia's yard, that is, George got it. He says after George fired the two shots they left the home with the ganga and two bale bags and a briefcase so when they were leaving the yard George had the gun. He carried one bag, Palmer had one bag, he said George had the bag and the briefcase. He says when they were travelling along Palmer told George to give him back the gun. George did not give Palmer the gun at this stage whereupon
20 Palmer repeated give him back the rass gun because they will hurt him but not them meaning, that they were from the district whereupon George gave him back the gun and they were then about half-a-mile from Dahlia's home going toward Higgin Land. They saw this little boy with ganga and at the cross roads they saw a heap of people, about ten. When they saw them they turned off into a track leading in the bush. They heard some noise, noise of people coming in their direction and he says all
30 three of them were together.

While in the bush Palmer drew the gun and made an attempt to fire in the direction of the footsteps and George stopped him saying if he fired in the bush someone may get hurt. He said they still heard the mashing and Palmer fired two shots in the direction where they heard the footsteps. He says they moved to another section of the hill and heard a bawling, someone said, "Tell Palmer to come and carry the gun". They heard footsteps coming
40 towards them and Palmer made to fire a second time, or, rather, again and they told him not to fire as he might hurt someone whereupon Palmer is alleged to have said, "You can stay there, if you don't hear a man bawl out and say, 'Palmer, come and carry your gun' ". He says they still heard footsteps. Palmer fired two shots out of the gun in the direction of the footsteps. George ran off followed by him, Valentine. He says George ran

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after the first shot was fired followed by him and then he heard the second shot. He was then about half chain away and he said before this they were all three together, so, you have George running out the bush, Valentine running out the bush.

Now, he says that when these shots were fired the footsteps sounded to him as if they were half-a-chain away. So, he puts it even a little further than George Wilson. They are not quite agreed as to how many shots were fired but those are matters which you will have to take into consideration. He says after the second shot he heard a bawling in the hill. He says the accused ran and caught them up and when they asked him what had happened the accused said it seemed as if he shoot someone.

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He says they were then over the hill travelling on a level and he saw people far behind them. They travelled in the company toward Bamboo. They still had the bags. They did not relinquish them and they heard people bawling out to stop them but they did not stop. They pressed on and eventually reached Brown's Town and from there went back to their home where the ganja was shared. Reaching Kingston he came to his home with his ganja and the following week he said he got a letter from his mother whereupon he went and spoke to the accused and told him, the accused, that according to the letter a man had got shot and died in Higgins Land, and the accused said that from he came in he heard because a man and a woman in his yard told him they had heard the news on the air; thereupon Valentine said to the accused, how he heard that and did not tell them anything about it, and he said, 'You are all too jumpy, that is why I did not tell any of you.'

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Then on the 9th of June Inspector Kirlew took him out of his home and took him to the police headquarters and that he told Detective Inspector Kirlew in the presence of the accused, Palmer, that it was the accused who had shot the man.

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Now you remember that George first of all said is Sigie shot the man at that time. Valentine went there and when George said is Sigie shot the man Sigie said, that is Palmer, 'I don't know any of you.' Now Valentine is here now along with

Palmer and he tells Inspector Kirlew that is Palmer who shot the man, whereupon Palmer says, 'Since is so it go and you and George a brother, is you shot the man.' In other words he is there at that moment accusing Valentine Wilson as the man who fired the fatal shot. When he said that Wilson said, 'Is you shot the man and just as cheap you say is you shot him.' Well despite all these accusations, members of the jury, it is still a matter for you as judges of the facts to say whether it was that man who shot the man or not. The fact that these accusations have been made in the presence of Inspector Kirlew does not absolve you of your responsibility to find the facts of this case, who shot Cecil Henry.

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He says when he went to Dahlia's yard he was wearing a red shirt and a black pants. He says accused had on a bluish pants and a bluish colour shirt - ganzi and a white shirt over it and brown shoes, and George had a bluish colour shirt and a felt hat.

He was cross examined and he says he had seen revolvers and guns; he says he only knows long gun and short gun. When asked he said he would not be jumpy pertaining to whether or not he had shot a man. He says he had not been in the area before to purchase ganja. It is the first time he had been there. He says George had been there before about three or four times. He says his main occupation is mason but he says that when he can't get work he purchases a little ganja. He says he first knew Palmer had a gun when going to Dahlia's yard. He said - he was asked why he did not pay for the ganja and he said through they ran and left it, that is why they did not pay for it. He says nobody was in the yard when George fired the shot. In other words he is saying they had all run down the gully when George fired the shot and they were four or five chains away when he fired it. He cannot say why George fired the shot. He says the shots were not fired directly at anyone. He says he did not see Dahlia come back to the yard. He says, it was put to him that he left Kingston with a gun. He says he did not leave Kingston with a gun and he did not quarrel with George about firing a gun in Dahlia's yard. He says he did not at any time take a gun from George. He says Palmer took it because it

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is his gun. He says he had never owned a gun. He says he does not agree it is wise to carry a gun if going in ganja business. He says he never travelled with a gun. He says he told accused not to fire in the bushes but he did not tell George not to fire in Dahlia's yard.

He says when they were in the bushes he could see a glimpse of the people in the bushes. And again he denies that he ever took the gun away from either George or Palmer. He says he believes someone got shot after he heard the bawling. He says he does not know any other Palmer in Higgins Land and the voice which said, 'Palmer, Palmer, come and bring you gun' was coming from the hill foot. He said when he heard the footsteps they decided to move on again. He says he felt that they were near enough to capture them and they ran, moved away from the crowd. He says they were not afraid. The men would catch them and beat them. He says he did not want them to catch them because if they caught them they would beat them. He was not afraid.

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He says he never told his mother he had shot a man. He did not know about any gun or ganja. He said she wrote and told him that a man had got shot. He said Palmer told Kirlew in his presence that he had shot the man and he in reply said, 'Is you shot the man.' It was suggested to him in cross examination that the crowd had sticks and stones. He says he does not know if the crowd had sticks, stones or anything. He says he never saw them with anything. He says he was about one chain away when the last two shots were fired. He says he was the only person with a red shirt, he is quite sure of that. He says he went to accused home as a result of what he had heard and according to the letter which he had got from his mother. He says on their way to Dahlia's house accused went in the bushes and it was when he was fixing up his clothes he saw the gun. He says when he first saw the gun Palmer had it and George asked to see it. He said he did not want to see any gun in the country. He said Palmer made no fuss then, but after leaving Dahlia's yard he asked back for the gun. He says there was no quarrel amongst them.

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Now it was put specifically to him by the

defence that he was the person who shot the deceased and in reply he said, 'I am not the person who shot the deceased. I ran immediately as George ran; I was a few yards behind him, about eight yards. I never stopped running till I come off the hill. When I was on the level Palmer was coming off the hill.' So apparently, members of the jury, once he decided to run there was nothing to obstruct him coming off the hill.

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10 Well he says he heard the men approaching in the hills and they decided to run and he said, 'I ran because I feared for my life.' Well you remember what I told you when I was dealing with self defence. If you fear for your life and there is a possibility to retreat then you must first retreat if it is safe to do so. Well this man, Wilson retreated because he feared for his life. He says, in re-examination he said when he said he was fearing for his life he was fearing that the
20 men may hold him.

We turn now, members of the jury, to Dahlia Campbell's yard. Dahlia Campbell tell you that she lives at Simm's Run and that on the 14th of May she was at her home when the two Wilsons and accused came there. Augustus Johnson and Fedlie Brown were also there. George Wilson asked her about colly which is ganja. The accused, Palmer, could have heard. She says she did not know what they were talking about as she does not plant it.
30 There was a back and forward talk about their being police and eventually she said George Wilson looked through the door of the house and said, 'Oonoo sell me some of the weed for man can't live in this bush and don't have weed. If you don't have weed you have money.' Anyhow she says Johnson said, 'But it seem like you a police,' whereupon Wilson stepped back and fired a shot at Johnson's head and Johnson ducked and ran behind the house.

40 After that shot was fired at what she said, at Johnson, the accused, as he fired the shot, is alleged to have said, 'Pull you blood cloth.' She said she does not know what he meant by weed. She says George went up to Fedlie Brown and said to him, 'It seem as if you are a rass cloth bad man and you noh out fi run.' And he fired a shot at Brown and Brown ran down the gully. She ran in the same direction as Brown and went about one

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chain away. She came back to pick up her baby and the man, Wilson, fired a gun at her again and she heard the shot sing pass her ears; Whereupon she decided to go down to where her present husband, Manasas Scarlet was, and she returned home about six o'clock in the evening and missed sixty pounds which she had in a grip inside her room, and also a scale. She missed the scale; and she also missed a cutlass from the yard.

You remember George said when he was leaving he took up a cutlass that was in the yard. She said later she heard something. She knew that Cecil Henry was killed that evening and on the 12th of June she went to an identification parade at Central Police Station and from a line of men she pointed out first Palmer, as one of the men who came to her yard, and then George Wilson as another.

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She says she does not know how close the shot went past her ear. She says George Wilson was the spokesman in her yard. She says he stood at the doorway looking into her house. She says she does not know if plenty ganga grows in Simms Run. Henry lives about eight miles from her. He has a field in the area. She says she did not have any crocus bag in the yard with ganga or otherwise and that she uses the scale to sell food. Says when the shots were fired at her she was about half chain from the accused - from George Wilson.

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Well, now, Members of the Jury, both George Wilson and Valentine Wilson have told you that they went to this witness' yard to purchase ganga. She and Felie Brown and Augustus Johnson have all come here and said they had no ganga and they sold these people no ganga but the fact remains that at least some of the witnesses saw the men going into the hill with bags, whatever was in them. Anyhow, all three of these witnesses say they sold no ganga. Well, Members of the Jury, you know your fellow Jamaicans as well as I do. Possession of ganga or trafficking with ganga is an offence against the law and you ask yourselves if these people were in fact selling ganga in the mountains of Simms Run would you expect them really to come and beat their chest in that witness box and say yes, I did? Those are matters which you have to take into consideration in deciding whether you are going to say that this witness is completely

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discredited because she denied having any ganga at her home.

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10 Fedlie Brown, he was at the home. He lives at Frickley Pole and on the 14th May he went to this Campbell's yard. She was there, three men came there. He knows now it is the two Wilsons and the accused. He did not know any of them before and Augustus Johnson was there with him and he said one of them asked what about the collie. Well, he says he believes that that person who asked was Valentine Wilson. Well, you remember that Dahlia Campbell says that George Wilson was the spokesman. Campbell told them she did not know what they were talking about and Valentine Wilson again insisted that they wanted 'herb' to buy. They were told that they don't plant such a thing whereupon George Wilson stepped to the doorway and held the facing and was looking inside the house. Johnson then said, 'It look like you are a police' whereupon George turned
20 with a cutlass in the left hand and a gun in the right hand, he did not see where he got either cutlass or gun and he fired one ball, meaning one shot after Johnson and said, "Pull away yourself"; Johnson was about four yards away, fired a second shot at Dahlia and she ran, all the shots missed and he was left alone in the yard. George said, "What happen, you no out fe run"? and he fired a third shot and he too ran.

30 He says from where he was - he ran out he could see the men in the yard. He was out on a little hill. He says that he saw two of the men go inside the house while one was outside cursing and he did not take a special note of who that one outside was. He said he made an alarm. Now about fifteen minutes after going up the hill - he saw the men about fifteen minutes after going up the hill towards Higgin Land direction. He said he did not see them with anything, no bags, nothing at all. They were still together and he made a
40 further alarm and they started to trail them. They trailed them about one mile; it was about eight of them in all and he says the reason for trailing them was because they went into the house. He is not saying that they were being trailed because they had taken ganga and not paid for it, he says they had gone into the house of Dahlia Campbell.

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He says he did not see Cecil Henry that day. He says that after the three men branched off into a hill he and some other men stood on the level while others went around the hill, you remember his evidence that they split up. He says while he was on the level he heard four gun shots on the hill; it was in the same hill in which the men were. He says he went into the hill only after he heard Henry was shot and he saw his body up there. He says where Henry's body was was in the same direction from which he had heard the shots being fired and on the 12th he went to the Central Station and pointed out Palmer as one of the three men and also George Wilson. 10

He says the reason why he went to Dahlia's home that day was to borrow a hamper. He says he went there to borrow a hamper and that Johnson went there to assist Dahlia's husband working in the field. You remember that when Johnson gave evidence he said that he went there to drink - beg water. There is another difference again which you will have to try and reconcile. He says he knows a Palmer living in Higgin Land but he was not one of the group that was trailing the men. He says the men did not look cross at Dahlia's yard. He says accused did no talking at the yard; that they came and saw him in Dahlia's yard and that they did not leave there and come back half hour after. You remember it was suggested that he left and came back with his bag of ganga, leaving the other two. He says that Johnson came after him. He says that they broke into Dahlia's house and took out all her money. 20 30

He says he saw none of the men with crocus bags, only one had a briefcase. He says about eight of them were trailing and when they reached Clarke district other men joined them and it now became twelve or thirteen of them in all. He says he did not see Henry when they heard the shots; said he didn't see anyone with sticks or machetes. He said he did not have a weapon and saw no one with a weapon. He says they were trailing them to get them to Higgin Land where they could arrest them, apparently some limb of the law was in Higgin Land, so they wanted to get them in Higgin Land where they could arrest them. He says they took nothing from him or Johnson, no ganga. He says they hadn't taken weed from them and they wanted to 40

capture them for revenge. He says he knows Scarlett's field. He says he knows Granville Fearon, that he saw him that day; he was in his group but he saw him with no stick. Here again when you come to consider the evidence of Fearon because Fearon said he had no stick. He said Fearon joined them at Clarkes.

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10 Well, Augustus Johnson tells substantially the same story as to what happened in Dahlia Campbell's yard. I don't think I need to go over it in detail. He recounts the request for ganga and he tells you of the shooting or, rather, the firing of the shots that took place in the yard and that the shots were fired by George Wilson. He says he ran after the shots were fired and that a little while after he saw Fedlie Brown. He says about - it was about half hour later he spoke to Brown and after he spoke to Brown he and Brown and two more men also named
20 Brown and Selvin Brown ran after the men. He says he saw the men about quarter mile away; they were quarter mile behind them going in the Higgin Land direction. They ran all the way until they got out near to Alexandria then took to a hill, those are the three men. He says he did not see the men with anything in their hands. Here again he is saying that they had no bags. Well, I have already commented on that.

30 He says he did not go up into the hill, he said to the level. He says other men went into the hill but he does not know their names. He does not know any Palmer of Higgin Land and no Palmer was in the group which followed the men. He said he didn't see Cecil Henry after the three men got into the hill he heard four shots; the fourth shot was about three minutes after the other three. After the third shot he heard an alarm upon the hill and it was then when he was asked what he had been to Dahlia Campbell's home for that day he said
40 he went there, as he was passing and he stopped to get a drink of water. He says he was working that day at his field, he was not working with Dahlia's husband so he didn't go into the hill, Members of the Jury, so he doesn't really help much as to what took place on the hill.

He says he cultivates up in Higgin land. He goes to field every Monday morning and stays all week until Saturday and it was put to him that the

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men took something from him and he said they did not take anything from him meaning ganga, and he didn't see the men take anything from Fedlie. He says he does not know Granville Fearon. The men went up to circle the three men. Says it was about - it was not as much as thirteen it was about fifteen men in all. He does not know if some of the men had sticks. He saw Henry there. He says he wasn't trailing the men and to catch them and beat them. He knows nothing at all about ganga. He doesn't know if ganga is valuable. He says he has never seen it.

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Now we return to a group of witnesses led by Mr. Granville Fearon. You member Fearon was the first witness called and he told you that he was a farmer at Simms Run. He knows Dahlia Campbell; she lives about two miles from him and on Tuesday afternoon the 14th May he was at his field and whilst at his field he saw three men running past coming from the direction of Simms Run, that is, from the direction of Campbell's yard going toward Higgin Land. He says they were running on the road and it was about 4.30 p.m. Now, he says that he noticed that Palmer, the accused, had a gun in his right hand and a bag over his shoulder, that is Palmer. You will bear in mind that counsel for the Crown is asking you to say that these set of witnesses, Fearon, Lawrence and Parry are not mixed up in any ganga business, they did not know what was happening and they are independent witnesses who are telling you now of what they saw.

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He says it was about 4.30 p.m. he noticed that Palmer, the accused, had a gun in his right hand and a bag over his shoulder. It was a short gun.

Now if you accept that piece of evidence that Palmer it was who had the gun at that stage, then if you accept it, that is evidence which you may regard as corroborative of the evidence given by the Wilsons that it was Palmer who was carrying the gun. It is a question for you to say whether you accept his evidence as such or not. He says another one had a bag and a third had a hand bag over his shoulder. He says it was only one gun he saw, and that they passed his field about one chain away and he pointed out just about that. He says after they passed he saw Fedlie Brown, Augustus

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Johnson, Selvin and Boogsie come up, coming from the direction of Dahlia's home. He said when these men came up, the three who had passed including the one with the gun, were already out of their sight. They spoke to him and they all started to travel toward Higgin Land in the same direction where the two men had gone. She knows Miss Gilzene. She lives in the road; they passed her gate and went on to Bugger Hill. She said at Bugger Hill they turned off the road looking for the three men. He says he and Henry were going on also Joseph Lawrence. So Henry was in Fearron's party along with Lawrence. Fedlie Brown and Johnson were in a next party.

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He says that he was going up a hill and he went and caught Henry on a hilltop and they started to travel together and he heard when the gun uproar. He said before he had turned up Bugger Hill he had heard two shots and after he went up the hill he heard three. He is telling you that in all he heard five shots. As I said there is a slight difference, slight variation in the number of shots which were fired as given by different parties but those are all matters which you have to take into consideration.

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He says he heard - he looked where the sound came from. He says after the second uproar he sees Henry drop. He says he looked up the direction of the uproar and saw Palmer and the two other men. He pointed out; they were about like from me to where Palmer is. You see the distance, members of the jury, six or seven yards. 'The three were together and Palmer had the gun in his hand, the mussels pointing toward where me and Henry were. Henry and I had been standing side by side but he was a little in front of me.' After Henry dropped he said he saw him bleeding from his left eye and he fell on his back and side. He said when he saw him drop he said he held his hand and bawled out, 'They shoot Henry.' He said the three men could have heard when he bawled out, 'They shoot Henry.'

Here again you have the two Wilsons saying that it was Palmer who fired the shots in the hill. Here you have this independent witness, Granville Fearron, saying that he saw Palmer with the gun in his hand, mussels pointing toward where Henry and himself were. If you accept that piece of evidence,

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members of the jury, that is evidence which may be capable of corroborating the story of these two Wilsons.

He said when he shouted they let go another bullet and it went into a maiden plum tree. You remember the D.C. Blissett, when I come to his evidence, will tell you that this bullet was dug out of this plum tree some four feet beyond the head of Henry. There you have this witness saying that Palmer had the gun pointed in their direction. He says they ran out of the hill. He ran out behind them. He says when he ran about three quarter mile Joseph Lawrence and Parry caught him and he says while they were all running behind them now, Palmer is alleged to have said that, 'If me trail him too far and he don't have any ball left' he have a dagger, for dead men tell no tales.

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Well there again Wilson told you that words to that effect were used. They might not be dove tailed word for word but the effect is the same. 'Dead men tell no tails.' He said after he heard this he got afraid and turned back. So it is the pursuers who are afraid and turned back while the three men pressed on. He says he did not know any of the three men before, but they were not all the same size. He says two of the men were taller and that Palmer was the shortest of the three.

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He says on the 12th of June he went to an identification parade but he did not point out the accused but he was able to point out the witness, George Wilson. He says he is sure the accused was the man with the gun and that he only saw one gun.

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Well some amount of criticism has been levelled at the fact that this witness failed to point out the accused. On the other hand the accused explained later in cross examination that when he saw Palmer in Kingston he was 'maugrer' than when he saw him in the hill, but he is quite positive that it was three men, two tall ones and one short one who had the gun, and that the short one is the accused Palmer. It is for you to say, members of the jury, whether you are going to accept this evidence or not. It is for you to say whether you think he is a reliable and credible witness despite the fact that he was unable to identify the man at the identification parade.

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Counsel for the crown has asked you to say if there are two tall men and one short man going along and one short man has the gun, whilst you might mix up who are the two tall men you are not likely to mix up which is the short one. Those are matters for you to take into consideration. When he was cross examined by counsel for the defence he said the men were about two miles from Dahlia's home when they ran past his field and they passed him within a chain from where he was working. He said trees and bushes were in his field but he could see the three men quite clearly. One man had a hand bag and two had crocus bags.

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You might come to the conclusion, members of the jury, that that was the ganja they were carrying. The accused had a crocus bag. He says accused had a crocus bag. He said he gave a statement to the police and he did tell the police that he saw the accused with a gun. He says he remembers saying at Brown's Town that he never told the police that the accused had a gun. He says he remembers saying that at Brown's Town but he is saying here when he gave that evidence that he did tell the police that he had a gun.

20

Well the evidence which you are to consider in this case, members of the jury, is the evidence which is given before you here. If you are satisfied that he made a different statement at the preliminary examination at Brown's Town, then that would only go to affect his credit as a witness in this court, whether he is making a different statement from what he made on another occasion. But the evidence on which we are trying this case is the evidence which is given here in this court.

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He says when Henry got shot he saw the three men. They were near together. They were bundled together. He says he knows another Palmer in Higgin Land; he was not one of those chasing them. He did not hear anyone say, 'Palmer, Palmer come and carry your gun.' He did not know the men had ganja with them; he only saw the bags. He could not know unless he had really seen what was inside the bags. He said he does not know if Simm's Run grows a lot of ganja.

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He said he was unable to identify Palmer at the parade because when he went he was meagrer.

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He says the man was meagreing down. It was suggested to him that he was only saying Palmer is the man with the gun because he is in the witness box. He says is not so. He says, 'Is Palmer same one.' When he was in the level he heard two shots and on Bugger Hill he heard the next three. He says he heard the first two shots but he saw no smoke. He says, 'We were not carrying sticks and machetes. He says he knew they had a gun; from he went on the hill he knew that they had a gun but he did have a piece of stick and Henry had a piece of stick too. So there it is you have one witness saying that at least two of them had sticks, namely Henry, the deceased, and Fearron. You remember the other witnesses said they did not see anybody with sticks or stones.

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He said he intended to use the stick to capture the men and to give them a beating if they were captured. He says they came to within five or six yards of the three men but he cannot say how many people in all were chasing the men. Now he is the witness who more or less put the men closest to these men - five or six yards - and he is the one here who is saying that they intended to beat them if they had caught them. So all those are factors which you have to take into consideration, bearing in mind what the defence is, of self defence. He said he still tried to follow them. He says he alone followed and afterwards Parry and Lawrence joined.

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He says they caught him up. He says he is certain. It was put to him that he was mistaken about Palmer having the gun, he says he is certain Palmer had the gun and he is certain he had a crocus bag. He says when the shots were fired the men were in the bush on the hill; when Henry got shot the men were in the bushes, they were stooping down and he could see them clearly. He says he could distinguish who was short and who was tall even though they were stooping and he described the piece of stick he had, about the length of his hand and as stout as the court rail there. He says he took up the stick after he had spoken with Johnson and that was after he heard the explosions and he knew that the men had guns that he took up the stick. He says his field is on a level with the road. There is bush between his field and the road but not very high and he could see people along the

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road. He says, 'fertilizer bags the men had'.

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10 Says Palmer had on a red shirt and the other
Wilson had on a white shirt. He says he saw two
red shirts. So, here you have Fearon saying that
Valentine Wilson had on a red shirt and he is also
saying that Palmer had on a red shirt. Well, you
will bear in mind the other evidence of the two
Wilsons that it was only one red shirt there and
it was Palmer who was wearing the red shirt. That
is a difference there, a discrepancy between what
this witness and the Wilsons said. He says when
he got down-hearted Palmer still had the gun. He
said nobody in his party had a gun and he says
before Henry got the shot he had said nothing to
any of the men and he had not threatened them in
any way at all.

20 Joseph Lawrence was the next witness. You
might feel he was a cultivator. Now, he was in his
field on the 14th May. His field is about a mile
from Dahlia's yard and he saw three men passing
whom he did not know before and two of the men were
tall and one was short. He says the accused was
one of the three men. He was the one in front and
he was the short one. He says two of the men
carried crocus bags, the short one was in front
and had one of the bags; they were walking fast
and he said he saw three Browns and Augustus
Johnson come up shortly after; they spoke to him.
30 He said he moved with them in the direction of
Higgin Land in the same direction where the men
were and he saw the men branch off into the hill at
Bugger Hill and they followed and split up in
different groups. He said he knows Cecil Henry and
Henry, Fearon and himself were in one group. He
says after they split up in groups he heard gunfire.
He said it was two shots from the sticky part of
the bush in the same direction where the men were,
that is, the three men. After the two shots he
heard Fearon call out; Fearon was then before him
40 in the direction of the men about fifteen yards
away. So he is saying he was behind Fearon and
Fearon was nearer to the men, about fifteen yards
away.

He says he did not go to Fearon. He heard
someone call and he touched down the hill and he
saw the three men go toward French Land and he
still followed them and he says the short one which

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he says is the accused still had the gun. He says the nearest he got to him was from here to the market which is about five chains away and he could see him clearly nonetheless. He said one of the tall men was wearing a red ganzie shirt. He says he did not go to the identification parade in Kingston because he was late for the van.

He was cross-examined particularly about the red shirt. He says he doesn't know who had it on and what kind of shirt the other men were wearing; he says he only saw one red shirt. He says the men were travelling in the hills and they were trailing them. It was he, a boy and Granville Fearon who were in his group. He says he didn't see Fearon with a stick; Fearon told you he had a stick, that is another inconsistency which you must decide how you are going to reconcile. He had none, Fearon had none; Fearon also told you that he had a stick. He said he saw nobody with any sticks.

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He said he didn't hear any noise about, 'Palmer, come and give me yu gun'. He heard shots in the hill. After the second shot he heard Fearon shout out someone got shot. He said he never got nearer than five chains to the men; 'he lose sight of them'. He says Henry was the nearest to the three men, as far as he can remember.

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It was suggested to him finally in cross-examination that he is making a mistake when he said that it was the accused who had the gun. He says, "I am not making a mistake when I say I saw accused with the gun". So there you have another witness in the form of Mr. Joseph Lawrence giving evidence tending to support what the Wilsons said, that it was the accused who had the gun.

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George Parry was the other man on the hill. A cultivator on the Simms Run too and on the 14th May he was in his field at Simms Run about half mile from the home of Dahlia Campbell when he saw some men walking through. He says they were actually on a track which passes through his field. They were walking through his field coming from Dahlia Campbell's home. He says one man was short and two were taller and he pointed out the short one as the accused. He said that as they passed they did not give the customary 'howdy' which is customary in the country. He said, "Who

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unoo man passing through here like that"? He had spoken because he doesn't allow strangers to pass here like that and the one in front said, "What yu want? Favour like you is some ..." using a bad word "... policeman out here". He said they passed about one-and-a-half to two chains. After they passed and continued on he saw Fedlie Brown and Augustus Johnson. They spoke to him and they all went in the direction of Higgin Land and when they reached Bugger Hill they distributed up into groups. He said he went on, 'as a lone soljer'.

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He took one way and saw Cecil Henry. He passed him by Joseph Lawrence's gate. He said he heard a gunball a good distance upon a hill. He heard Granville Fearon shout that Cecil got shot. He said he only heard one bullet. Well, as I told you before various persons told you how many bullets were heard but probably it has to do with the terrain of the country, vales and hills and all that; make what you can of that. He says he went up to where Henry was. He spoke to Fearon; saw three men going down the hill, the same three men and they were about two-and-a-half chains away. He said he observed, trailing them, that one of the three men had a bag. He said one of the three men said, "Unoo come on man, we want to catch unoo in a close place because dead men tell no tales". I don't think he said who said that but he said further he then noticed that the accused turned round with a gun in his right hand. There he is putting the gun in the accused's hand again.

He says he was trailing the men to catch them; can't say what clothes the men were wearing. In cross-examination he says he saw them with one bag; can't say what was in it. He says it was the accused who turned around with the gun. He says, "I am certain of that". He says he did not attend an identification parade. He says he did not see Fearon with a stick - I have already dealt with that. He says he only heard one shot and repeated he can't say how many of them were in the hill. He knows Dahlia Campbell very well.

Finally, he was the gentleman who was prepared to swear about sin and God and God striking him and all that sort of thing. When it was put to him that he was making a mistake that he saw the accused with the gun he said, "I am not making any

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mistake when I say I saw the accused with the gun", but nonetheless he can't say what clothes he was wearing. Well, seeing a man with a gun in Higgin Land or Bugger Hill is not really an everyday occurrence when that might strike you where as what clothes he was wearing might not strike you.

Now, the next witness that I will deal with is the D.C. His evidence was very short. He tells you of having been assigned to guard the body of Cecil Henry on the instruction of Sergeant Hines. He saw the body there and the next morning at about 7.00 o'clock he noticed a hole in a plum tree about five feet from where the head of the deceased was lying. He probed the hole with his knife and eventually he had to chop out a piece of the tree and got out a bullet which he later handed over to Inspector Kirlew. Now, he says this bullet in the tree was five feet from the head of the deceased and subsequently clarified that a little further and said that the bullet was five feet beyond where the head of the deceased was. In other words, if this was the head here, I gather that what he is saying is that the bullet was five feet beyond the head of the deceased. Now, this is a very sticky piece of evidence, Members of the Jury. You have shots being fired in the hills, the allegation of the Crown is that it is fired by the accused. Now, one bullet found its mark in Cecil Henry's forehead and the other bullet found its mark in a tree five feet, almost in line with where his forehead would have been when he was standing, so, does that indicate anything to you? Does it indicate that it was a hazardous firing of shots or does it indicate that whoever was firing those shots was deliberately firing in the direction of the crowd or was it sheer coincidence that one of the bullets strikes Henry and fells him and the other one lodges in a tree five feet from his head? Common matter for you to see; decide what you make of that.

Daniel Henry was the man who identified the body to doctor Magnus as being that of his brother, Cecil Henry. Doctor Magnus performed the post mortem examination, and he told you that he did it on the 15th of May at about one o'clock and on external examination from the body he saw a round hole a third of an inch in diameter above the left eyebrow, about the middle of it. He saw no powder burns there he indicated that the bullet was not

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10 fired from very close range. He made a dissection of the body and on opening the scalp he saw that it was perforated and the hole continued through the inner table of the bone. The outer covering of the brain was perforated and the hole continued through the left frontal lobe of the brain. In the back the dura or outer covering of the brain was perforated in the occipital region of the brain on the right side. So what he says is there was a hole through the frontal lobe on the left, through the central cavity of the brain, through the brain tissue and lodged in the central right occipital region.

20 He said the bullet was flattened and twisted and he removed the bullet and handed it to Sergeant Hinds, and he identified the bullet. He says death was due, in his opinion, to the destruction of the critical and essential part of the brain by the bullet and that the deceased would have died very shortly after the injury. He says the absence of powder burns means that the deceased was not close enough to the person who shot him. He would have been beyond six feet and would have been facing his assailant.

30 Sergeant Hinds who was present at the post mortem examination tells you that he gave the D.C. instructions with regards to the body and when Dr. Magnus performed the post mortem examination he saw him remove the bullet from the brain of the deceased and he took possession of it, and you were shown those bullets.

40 Hubert Campbell undoubtedly at the identification parade, Kingston, tells you that he conducted several parades on the 12th of June about 2.10 p.m. And the first parade the suspect was the accused; nine persons were on that parade, similar in height, appearance and colour, and he informed the accused of his rights to change his clothes, to have representation if he wished and he said that the accused took up number nine position from the left facing him. Granville Fearron was first called but when Fearron came he was asked if he knew why he was there - indicated the purpose for which he was there to identify the men who engaged in this incident at Bugger Hill, but Fearron failed to identify the accused, Palmer. He pointed out a man who was number two in the line. Well I have already

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reminded you what he said was the reason for that. He said in court here that this is the man. It is for you to say whether you are going to accept it or not.

Fearron was sent off the parade and accused elected to remain where he was. The second witness called was Fedlie Brown and he was told to look alone the line of men and if he could identify a man who, along with two other people he saw about 3.45 at the home of Dahlia Campbell he should do so. He went along the line of men and he pointed out Palmer. Next witness was Dahlia Campbell and she also identified the accused, Palmer. 10

Another parade was held on which George Wilson was the suspect on this parade, and witnesses, Fedlie Brown, Dahlia Campbell, and Granville Fearron, all three witnesses identified the accused, Wilson; Fedlie Brown and Dahlia Campbell identified him as the man who shot at her in her yard, and Fearron identified him as one of the men who he saw pass him at Simm's Run. 20

That leave us with the evidence of Inspector Kirlew. He tells you that he is a Detective Inspector. On the 15th of May this year at about 8 o'clock he got a report and he went to Higgin Land and he saw District Constable Blissett and spoke to him. He saw a tree at Bugger Hill and he chopped the tree about four to five feet from the ground and the district constable gave him a bullet. He collected statements about a week and on the 9th of June at about 3 o'clock in the morning he saw George Wilson. He made a report to him and he went to the room of the accused at Ghost Town and took him in the vehicle. He said that when he saw the accused at his home at Ghost Town George Wilson was then outside in the vehicle and he said he told the accused he was investigating a case of murder of Cecil Henry who was shot at Bugger Hill on the 14th of May, and that he had got information that he knew about it, if he could assist him. He says at the time he was still investigating, meaning that he had not yet made up his mind to arrest the accused or anyone else; whereupon George Wilson said, 'Me noh know nothing about it.' In other words here again he denies knowing anything about the incident at all, members of the jury. But having said this then you must make of it what you 30 40

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can. He is here denying that he knew anything about it at this stage. He says he took him in the vehicle and then picked up Valentine Wilson; from there they put Palmer into an office and he called Wilson and he invited George Wilson to tell him what he was told earlier and this accused person, Wilson, related to detective Kirlew all the evidence which you have heard given here today. I don't think of going over this in detail. He told of Dahlia Campbell's house and what happened in the hills and how they heard footsteps coming in the hill and he held accused hands and advised him not to fire the gun and the footsteps got closer and he saw the shadow of two men and accused fired two shots and they ran out of the hill and he heard shouts that a man had been shot; whereupon accused, Palmer, said, 'Me noh know them, sir.' He again denied knowing these two men.

Valentine Wilson was later called and he related the same storey, and at this stage now, the accused said, 'Since a so it go and them a brother and them sey a me, a Valentine shoot the man.' Here he is no longer denying that he knew the men. He is coming now and saying that it was Valentine who shot the man, to which Valentine made no reply.

Counsel for the defence is asking you to place great store in that such an accusation was made of Wilson and Valentine Wilson said nothing at all about it. Inspector Kirlew says he arrested Palmer on the 12th of June for murder, cautioned him and he made no statement. And that, members of the jury, is the evidence which was presented by the crown against this accused man.

The crown's case is that he fired shots under circumstances when there was no necessity for him to have done so. Now the accused did not give evidence on oath. He made a statement from the dock and I must tell you, members of the jury, that an accused person, seeing that he is presumed to be innocent, until the crown proves him guilty, is not obliged to say anything at all in his defence. It is the crown who must establish the case against him. He had his right to come into the witness box and give evidence on oath or to make an unsworn statement from where he sat or to say nothing at all. He elected to make a statement from the dock.

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But I must remind you that it is not sworn evidence which could have been tested by cross examination. But nevertheless you may attach to it such weight as you think fit and you should take it into consideration in deciding whether the prosecution has made out a case so that you can feel sure that the accused is guilty. The accused made a very long detailed statement. I don't know if you prefer me to do it after lunch or

CROWN COUNSEL: I don't know how the jury feels about it.

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HIS LORDSHIP: Mr. Foreman, after lunch.

TIME: 12.40 p.m.

2.12 p.m.

JURY ROLL CALL - ANSWERED

HIS LORDSHIP: Members of the Jury, at the adjournment I had just completed reviewing the evidence presented on behalf of the Crown and I was about to commence now the statement - substance of the statement made by the accused.

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You will remember I told you just before we adjourned that you must take it into account and give it such weight as you deem fit. The accused, Segismund Palmer, in his unsworn statement said that he lived at 21½ Langston Avenue; that he was a mechanic and that he had known Valentine Wilson for about four years and his brother, George, for about - no, Valentine for about seven years and George for about four years. That sometime in May they told him that they were going to pay their parents a visit and he decided to go along with them and they boarded the Mayflower bus and reached Bethany at about 10.00 o'clock the night.

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The following morning at about 5.00 o'clock they got up, the two Wilson boys saying they were going to their father's land in the mountain. He, accused, said Valentine Wilson had a travelling bag with him and at about 11.00 o'clock they were going to a track in the hill and they stopped for a rest. Having stopped for this rest he started to tell

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10 them, that is, Valentine started to tell them about 'The Silver Dollar' show. They had seen apparently some moving picture. He said he moved the zip of the bag and drew from the bag a gun. Having taken the gun from the bag he took a packet from the pocket and put some cartridges in the gun. That Valentine's brother, George Wilson, turned and asked him to let him see the gun and Valentine said he is not lending anyone the gun, thereupon George wanted to know while the gun was in their company why he could not pass it to him, George, whereupon he passed it to George. He then said either he or George must use the gun.

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20 They started out on their journey, George at that stage did not give him back the gun. They reached over the other side of the grade and saw some men in a field and asked for some food. Three men and a woman were in the ground. One of the men asked what they wanted and George said they were looking some herb to buy. One of the men told him they could get it right there whereupon another woman was called; she came and they had some talking in the field about buying herb. He said the men loaded up a hamper basket and started out of the field and George called him and Valentine aside and said since they can get the herb there ther would not go any further.

30 They followed the men out of the ground and one of the women returned with a half fine-bag of herb. She apologised for its condition saying it was the first time she was planting it and handling it and having examined it George said he could not take it for is the first price whereupon they started to leave the ground. He said a woman by the name of Dahlia Campbell said she had some to sell and if they were to do any business at all they should do it with her. They made a second start to leave and Augustus Johnson asked them what they were looking and George said they hadn't got it yet and Johnson said he knew what it was and they could get it from him. He took them to his yard, got a plastic bag with some herb and then took a scale from his house and weighed it and it weighed two-and-a-half pounds. George opened the bag and said it was collie but it was not dry and he could not buy it whereupon Johnson, according to the accused, took them up to Dahlia Campbell's home.

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Up at the home they saw Fedlie Brown come into the yard and Dahlia Campbell came and spoke with them; they all started to argue. George told her they were looking herb to buy whereupon she said that they looked like police and George said "No, we are not police" and an argument ensued whereupon Dahlia seemed to have been convinced and she went in a thicket behind the house and returned with a handful of herb. She gave it to George and George took it and the accused is telling you that now they made three cigars and Brown made a cigar too and they all started to smoke the ganga. Brown told them he would like to sell some and George said he would buy it if the quality was right that is, the same as Dahlia's.

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George made the bargain, £10 per pound weight and Dahlia brought a half crocus bag and spread three fine-bags in the yard and threw out the ganga. George looked on it. He put some in one bag and put the remainder in the other bag. She changed back the bags and Brown by this returned with some herb. They stretched up a dry stick across in the yard there and Dahlia came out with a scale which she put on the stick and she even went to the trouble apparently, to test the scale with a 1 lb. tin of milk, condensed tin of milk, put this tin of milk in the scale and then weighed the herb. Afterwards, George, he said, took out the gun and said, "Unoo naw blood clawt run". He said Dahlia Campbell ran. He said one man spun around to George and George fired a shot after him. Brown, it is said, "It naw go so" and George said, "It look like you is a blood clawt bad man and no out to run" and he fired a shot after him; he ran. After that he pointed the gun at him, accused, and told him to take up one of the machetes that were in the yard. He said he cut down the scale off the stick and put it in the travelling bag, that George did that. That George told him to take the bag and Valentine took the other bag and they started out and when about one-and-a-half miles away Valentine stopped and said, "All right, George, give me the gun now". So it is not in dispute that it was George who was in possession of the gun when they were in Dahlia Campbell's yard but here the issue is joined now, the accused is saying that it was when they were one-and-a-half miles from the yard it was Valentine who demanded the gun whereas the Crown's case is that it was the accused who

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demanded the gun back from George, so you will have to decide which one you are going to accept if any one.

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10 George wanted to know why he didn't want him to keep it. Valentine decided to put more shots in it and Valentine gave him back the gun with the shots. When they were about fifteen chains away Valentine showed them the main road and said that it is time they turned off. They stopped and were talking on the righthand side of the road near - and there was a track between two grounds. You remember the gentleman who said the men walked through his ground and they branched off in it. He said Valentine was in front, he was in the middle and George to the back and whilst they were going up they saw some men coming before them and one of the men said, "Who unoo man going up the hill?" and Valentine said, "Man a trod the earth", and they continued on their way and heard some of the men started to bawl out, "See dem ya". Said they reached the flat of the hill where they met upon a field of herb. They passed it and he said it was here now that Valentine took off the shirt, he said, before this. He said he had on a white diamond merino so he asked him why he took off the shirt and they can see the white merino and he said that Valentine is alleged to have said, "How far you think they can come".

30 Well, the accused went on further and said he heard some talking coming closer in the hill and saw two men coming in the Hill. He said George turned to them and said, "It is your time now". He fired two shots. He said he heard the footsteps running away. They heard some men from the level say, "Dem no gone, dem in de hill a fire shot". He said a man said, "Come and tell Palmer mus' come with his gun". George said I must give him the machete and I give him the machete and he started to chop an entrance through the flat and we meet upon another field of herb; Val. pulled up a root. He says he called George but George told him to leave it.

40 He says they started to another hill and whilst in the hill he heard some noise around the circle of the hill. Valentine told him to keep silent. He says that while in the hill they heard a hard tearing through the thicket. He said they

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were stooping one behind the other. He says Valentine was in front. He was in the middle and George at the rear.

He says when the mashing started Valentine rose with his gun and he started to fire some shots. George said, 'Alright, come now,' and he started to chop his way out. He followed behind him. When about one and a half chains away he said he did not see Valentine. He stopped George and asked where Valentine was and George said, 'You don't see he have a gun a defend himself.' He says the accused went on, that he started on and said, 'See Valentine coming there,' and they travelled about fifteen chains more, they heard stone flinging. Remember it is the first you hear about stone flinging, and they ran on again.

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He said Valentine passed them and George was firing but no shot was in the gun. So we have the gun according to this accused going from Valentine to George, sometimes it is George firing, sometimes it is Valentine. He said Valentine fired the shot in the hill, the second set now; he says it was George who was firing but no shot was in the gun - sorry, members of the jury, it was Valentine who still had the gun. It was Valentine still firing but there was no shot in the gun.

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He said he saw three men following them and were throwing stones. According to the stone throwing you see the effect. This is what he is in effect telling you, that he was being attacked by stones. Anyhow George said he preferred to chop off a man's head than give them the herb, and the men stopped following them, and they travelled to Brown's Town, went back to their mothers yard about 5.30 p.m. where the herb was shared between the three of them and the Wilsons' mother. They left on the Friday to Kingston.

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About one and a half weeks after Valentine came to him and said his mother had written George from the country to say that a man had got shot. He said he would send his brother, Sydney to find out if it was true. He says that another day he saw George and George said to him if anyone asked him anything, he must say he don't know them for anyone going to be the crown evidence will be charged for the offence. That is what he is

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supposed to have said - the accused. Anyhow he said the Sunday before his arrest Valentine said his father had come to look for him and told him what had happened. He said, 'the Sunday we were held and taken to jail.'

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10 He says he heard George give a statement to Inspector Kirlew in his presence and he did say that he did not know them. You remember George was the one who spoke first and then Valentine spoke, and then he is alleged to have said, 'Since is so it go and you a brother, is you shoot the man.' He said he did say that he did not know them.

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20 The parade was held three days after on the 22nd of June; he said George asked for Flying Squad police and he reported the gun was his brother's own and he promised to tell the police where he hid the gun and he said he did not know if they went there. So there you have it, members of the jury. If you believe his story then he is entitled to be acquitted. If you are in a state of doubt about it then he is equally entitled to be acquitted. But even if you should reject his account you must still go back and examine all the evidence which has been given on behalf of the crown and say whether on the overall picture you are so satisfied by the crown that you can feel sure that the crown has established the guilt against this accused man.

30 Now, members of the jury, I have deliberately refrained from giving you any direction on manslaughter because in my view, and the responsibility is mine, if I don't see where the evidence lies to sustain manslaughter not to direct you upon it. I have given you no direction on manslaughter in this case and indeed neither counsel for the defence or the crown has made any reference to manslaughter in this case at all. There are only two verdicts which are open to you in this case; guilty of murder or not guilty. 40 Those are the only two verdicts open to you. A verdict of not guilty can arise in any one of four circumstances. If you are satisfied that it was Valentine and not the accused who fired the shot then you have to find him not guilty. If you are in a state of doubt as to whether it was Valentine or the accused who fired the shot then equally you would have to find him not guilty. Thirdly, if you

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find that it was the accused who fired the shot but that when he fired the shot that killed Henry he was acting in lawful self defence, then again your verdict would be not guilty. If you are in a state of doubt as to whether he fired the shot in self defence or not, then bearing in mind that there is no onus on the accused to prove his innocence, even when self defence is raised, then if you are in a state of doubt as to what then your verdict would be also not guilty because then the crown would not have discharged the onus placed upon it. You can only find him guilty if the crown has so satisfied you so that you can feel sure that it was the accused who deliberately and intentionally fired the shot that killed Henry if, with the intention at the time of so doing either to kill or inflict grievous bodily harm and further that at the time of doing so he was not acting in lawful self defence. That is the only premise on which you can find him guilty; that he intended to fire the shot deliberately and intentionally and at that time when he did so he intended to kill or inflict grievous bodily harm and was not acting in self defence. Once you are satisfied as to that, members of the jury, if you are so satisfied, then your bounded duty would be to return a verdict of guilty of murder. In any other case, then your verdict would have to be not guilty. 10 20

Mr. Roper, is there anything else.

MR. ROPER: No, M'lord. 30

HIS LORDSHIP: Mr. Director?

MR. KERR: Nothing that I can think of.

HIS LORDSHIP: Well members of the jury, now is your time. Please go and consider your verdict and return in due course and let me know whether you find the accused man guilty or not guilty of murder.

REGISTRAR: Do you wish to retire?

FOREMAN: Yes.

TIME: 2.36 p.m. 40

Jury retire	2.36 p.m.
Jury return	2.44 p.m.
Jury roll call	All present

VERDICT AND SENTENCE

No.19

Verdict and
Sentence

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REGISTRAR: Mr. Foreman, please stand. Members of the jury, have you arrived at your verdict?

FOREMAN: O yes, sir.

REGISTRAR: Is your verdict unanimous?

FOREMAN: Unanimous.

REGISTRAR: All of you are agreed?

FOREMAN: One hundred percent.

10 REGISTRAR: How say you, do you find the prisoner guilty or not guilty on this indictment which charges him with murder?

FOREMAN: Guilty of murder.

REGISTRAR: You say that the prisoner is guilty. That is your verdict?

FOREMAN: O yes sir.

REGISTRAR: And so say all of you?

FOREMAN: So say all of us.

20 REGISTRAR: Sigismund Palmer, the jury having found you guilty on this indictment, have you anything to say why the sentence of the court should not be passed upon you.

ACCUSED PALMER: I would say to a higher court.

P R O C L A M A T I O N

HIS LORDSHIP: Sigismund Palmer, the sentence of the court is that you suffer death in the manner authorised by law.

In the Court
of Appeal

No. 20

NOTICE AND GROUNDS OF APPEAL

No.20

Notice and
Grounds of
Appeal

IN THE COURT OF APPEAL

Filed 30/12/68

17th December
1968

NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO
APPEAL AGAINST CONVICTION OR SENTENCE

Criminal Appeal No.181 of 1968

TO THE REGISTRAR OF THE COURT OF APPEAL

Name of Appellant: Segismund Palmer

Convicted at the Circuit Court held at: St. Ann's Bay

Offence of which convicted: "MURDER" 10

Sentence: "DEATH"

Date when convicted: 17th December, 1968

Date when sentence passed: 17th December, 1968

Name of Prison: St. Catherine District
Prison

I, the abovenamed Appellant hereby give you
notice that I desire to appeal to the Court of
Appeal against my Conviction on the grounds herein-
after set forth on page 3 of this notice

(Signed) x Segismund Palmer 20
Appellant

Signature and address of witness attesting mark:

Dated this 17th day of December, 1968

	QUESTIONS	ANSWERS	In the Court of Appeal
	1. Did the Judge before whom you were tried grant you a Certificate that it was a fit case for Appeal?	No	<u>No.20</u>
	2. Do you desire the Court of Appeal to assign you legal aid?	Yes	Notice and Grounds of Appeal
	If your answer to this question is "Yes" then answer the following questions:-		17th December 1968 (continued)
10	(a) What was your occupation and what wages, salary or income were you receiving before your conviction?	Mechanic	
	(b) Have you any means to enable you to obtain legal aid for yourself?	No	
20	3. Is any Solicitor now acting for you? If so, give his name and address:	Barrister W. Roper Brown's Town.	
	4. Do you desire to be present when the Court considers your appeal?	No	
	5. Do you desire to apply for leave to call any witnesses on your appeal?	No	
30	If your answer to this question is "Yes", you must also fill in Form 22 and send it with this notice.		

GROUNDS OF APPEAL OR APPLICATION

1. Unreasonable verdict and Conviction decided by the Jury.
2. The Jury overuled the decision of the Trial Judge.
3. Conflicted statements by Crown evidences.

Witness: C.B. Ag. Wd.
 c/o St. Cath. D.P.
 23/12/68

In the Court
of Appeal

No. 21

SUPPLEMENTARY GROUNDS OF APPEAL

No.21

(Filed 7/5/69)

Supplementary
Grounds of
Appeal

IN THE COURT OF APPEAL
CRIMINAL APPEAL NO. 181/68

6th May 1969

APPLICATION FOR LEAVE TO
APPEAL AGAINST CONVICTION
IN THE ST. ANN'S BAY
CIRCUIT COURT ON THE 17th
DECEMBER, 1968, FOR MURDER

10

REGINA v. SEGISMUND PALMER

TAKE NOTICE THAT the following are the Supplementary Grounds of Appeal on which the Appellant will crave leave to rely inter alia at the hearing of the Appeal herein:-

1. That the Learned Trial Judge was both inadequate in and misdirected the Jury in his summation as to corroboration with particular reference to corroboration linking up the accused with the fatal shooting at the material time. This is more so indicated by the fact that the pieces of evidence that the Judge pointed out to the Jury as being capable in law amounting to corroboration linking up the accused with the actual shooting of the deceased turned out to be not capable of amounting to that type of corroboration in Law which must lead to the conviction being quashed. Regina v. Goddard and others (1962) 1 W.L.R. 1282; Regina v. Trigg (1963) 1 W.L.R. 305 refer. 20 30
2. That the Learned Trial Judge dealt with inconsistencies inadequately in his review of the evidence in that he pointed out what the independent witnesses for the Crown said in support of what was said by the two accomplices for the Crown but failed to point out that the pattern of shooting at heads by George Wilson the accomplice for the Crown was identical to the fatal shooting in contrast to 40

the inactivity and non-participation by the accused at the yard of the lady from whom there was the alleged larceny of ganja and money. This pointed therefore to a situation of circumstantial evidence inimical to George Wilson, the accomplice for the Crown and extremely favourable to the innocence of the accused in respect of the fatal shooting.

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Supplementary
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Appeal

- 10 3. There being no identification whatsoever at the Identification Parade of the accused as the person who did the fatal shooting, but rather merely as one of the three participants in the common design to steal ganja and shoot as opposed to an abundance of identification and evidence pointing to the Crown witness George Wilson as the murderer both the summation amounts to a misdirection and verdict is unreasonably cumulatively leading to a miscarriage of justice.
- 20 4. The Learned Trial Judge erred in Law in taking away from the Jury the issue of manslaughter in a case of this nature.
- 30 5. The Learned Trial Judge fell into a fatal lapse in Law in a case of this nature in failing to direct the Jury as to common design in respect of the fatal shooting, especially when the Crown unusually and peculiarly so withdraws the shooting with intent charges against the two Wilson brothers and used them in these circumstances as Crown Witnesses to secure a conviction against the accused, a stranger for the area to which these two accomplices belong.
- 40 6. The Learned Trial Judge finally was totally inadequate in his summation in failing in a case of this nature which required corroboration from independent witnesses of the evidence of the accomplices concerning the fatal shooting to point out to them that in this case there was absolutely no evidence that could amount to corroboration in law linking up the accused with the fatal shooting. Regina v. Anslow (1962) C.L.R. 101 and Regina v. Johnson 5 W.I.R. 196 refers.
7. Identification in a case of this nature is

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of Appeal

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Supplementary
Grounds of
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6th May 1969
(continued)

both germane and vital to the issue and since the identification of the accused as being the party or person responsible for the fatal shooting is completely absent at the identification parades as opposed to the positive identification by three witnesses of George Wilson for shooting at them in the same situation, the Learned Trial Judge was at great fault when dealing with corroboration and identification, not to high-light this matter which is to a large extent incriminatory of George Wilson and exculpatory of the accused concerning the fatal shooting which, inevitably, lead to an acquittal.

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WHEREFORE THE APPELLANT HUMBLY PRAYS:-

1. That the conviction be quashed.
2. That the sentence be set aside.
3. That this Honourable Court may grant such other relief as may be just.

Dated this 6th day of May, 1969.

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(Sgd.) W. BENTLEY BROWN,
COUNSEL FOR THE APPELLANT.

No.22

Judgment

9th May 1969

No. 22

JUDGMENT

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 181/68

BEFORE: The Hon. Mr. Justice Waddington,
President (Ag.)
The Hon. Mr. Justice Eccleston
The Hon. Mr. Justice Edun

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R. v. SEGISMUND PALMER

Mr. W.B. Brown for appellant
Mr. C.A. McCalla for the Crown

8th and 9th May, 1969.

WADDINGTON, P. (Ag.):

In the Court
of Appeal

No.22

Judgment

9th May 1969
(continued)

This is an application for leave to appeal against a conviction for murder, in the Circuit Court for the parish of Saint Ann on the 17th of December, 1968. The indictment charged the applicant with murdering Cecil Henry on the 14th of May, 1968.

10 The case for the Crown shortly, was that, on the 14th of May, 1968, the accused and two other men, George Wilson and Valentine Wilson, who were brothers, went to the home of Dahlia Campbell at Simm's Run in the parish of Saint Ann to purchase ganja. According to the evidence of George Wilson, who was called as a witness for the Crown, before they got to Dahlia Campbell's home he had seen the accused with a short gun and he had asked the accused to give him the gun, which the accused did. At Dahlia Campnell's yard, George Wilson told her
20 that he heard that she was selling ganja and he asked her to sell him some. Dahlia Campbell was a bit reluctant, believing that they were police, but after some persuasion she brought them a sample of the ganja which they all three tested and approved. Dahlia Campbell then broughtout a bag of ganja which they started to weigh. Whilst this was going on, Fedley Brown and Augustus Johnson came to the yard also bringing
30 some ganja with them, and they also offered to sell their ganja to the Wilsons and the accused. Brown and Johnson's ganja was then weighed and after the ganja was weighed George Wilson remarked, "What a way oonu have ganja in the country legge, legge and it is against the law." On his saying this, Dahlia Campbell, Fedley Brown and Augustus Johnson ran away. George Wilson then took up the ganja and a machete belonging to Dahlia Campbell, and fired two
40 shots from the gun. They all three then left with the ganja, Vanentine Wilson carrying one bag, the accused carrying another bag and George Wilson carrying the gun and machete. They went along the road toward Higgin Land, and after they had gone a little distance the accused demanded back the gun from George Wilson. There was some argument over the gun but eventually George Wilson handed the gun back to the accused and took the bag of ganja

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which the accused had been carrying. By this time it appears that an alarm had been raised that the three men had taken the ganja and had not paid for it, and so they decided to turn off the main road and go up into the hills in order to avoid contact with the crowd. George Wilson said that they heard the sound of walking coming towards them, and the accused fired a shot and the people ran. They then went to another hill nearby, where all three of them stooped down when they heard more people coming. George Wilson said that the accused then made an attempt to fire the gun but he (George Wilson) held his hand and told him that he did not want anyone to get shot in the country because it was his (George Wilson's) country. He heard some of the men who were pursuing them say that they were still up there in the bush, and thereupon the accused made another attempt to fire the gun and this time Valentine Wilson stopped him, telling him that he should not fire the shot as it might shoot someone in the bush whom they had not seen. George Wilson said that while they were stooping in the bush they heard a walking coming from the direction from which they had come. The people were near to them and he heard someone saying, "Palmer, Palmer, come and carry your gun." George Wilson said he then saw a shadow, and he took his machete and started to chop his way out of the bush. He then saw the accused leaning on a tree with the gun in his hand and saw him fire two shots in the direction where he had seen the shadow. Wilson then ran out of the bush followed by Valentine Wilson. George Wilson said he heard them both saying that a man had got shot. They were still being followed by some of the people, and the accused spoke out loudly so that the people following could hear, saying, that he had a pack of shots and if they followed him until night he would shoot them because dead men tell no tales. Eventually, they threw off their pursuers and returned to Kingston, from whence they had come, with the ganja.

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Valentine Wilson was also called as a witness for the Crown and his evidence substantially supported the evidence of George Wilson.

Dahlia Campbell's evidence differed substantially from that of George and Valentine Wilson as to the events at her home. She said that the two

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Wilson and the accused had come there whilst Fedley Brown and Augustus Johnson were there, and George Wilson had asked her about 'colly' which is apparently another name for ganja. She told them that she did not plant ganja, and there was then some talk about their being police, and George Wilson then said, "Oonu sell mi some of the weed nuh for man can't live in this bush and don't have weed. If you don't have weed you have money."

10 Augustus Johnson then said, "But it seems like you a police." Whereupon, Wilson stepped back and fired a shot at Johnson's head. Johnson ducked and ran behind the house. George Wilson then went up to Fedley Brown and said to him, "It seems as if you are a rass cloth bad man, you nuh out fi run." He then fired a shot at Brown and Brown ran down the gully. Dahlia Campbell then ran after Brown but she returned to take up her baby when George Wilson fired at her and she said she heard the

20 bullet sing past her ears. She ran away and returned later to find that £60 which she had in a grip in her room were missing as also a scale and a cutlass which she had in her yard. She subsequently attended an identification parade on the 12th of June, 1968, at which she identified the accused and George Wilson as being two of the men who had come to her yard. In cross-examination, she denied emphatically that she had any ganja at her home or that she had agreed to sell any ganja

30 to the three men.

Fedley Brown and Augustus Johnson also gave evidence in which they supported substantially the evidence of Dahlia Campbell. They both denied that they had brought any ganja to the yard or had agreed to sell any ganja to the three men. Brown said further, that after he had run away he was on a little hill from where he could see two of the men go inside Dahlia Campbell's house while one remained outside cursing. He raised an alarm,

40 and about fifteen minutes later he saw the three men going towards Higgin Land. He and some other men trailed the three men, who branched off into a hill. He and some of the other men remained on the level while some others went around the hill. He heard four gun shots on the hill to which the three men had gone. He then went up to the hill, where he saw the body of the deceased at the spot where he had heard the shots fired. On the 12th of June, 1968, he also attended an identification

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(continued)

parade at which he identified the accused and George Wilson as being two of the men in question.

Evidence was also given by Granville Fearon. He said that he lived about two miles from Dahlia Campbell's yard and on the 14th of May, 1968, at about 4.30 p.m. he was at his field when he saw three men running past coming from the direction of Campbell's yard and going towards Higgin Land. One of the men was the accused, and he noticed that he had a short gun in his right hand and a bag over his shoulder. Another of the men had a bag and a third one had a handbag over his shoulder. After they passed, he saw Fedley Brown and Augustus Johnson and another man cooled Boogsie coming from the direction of Dahlia Campbell's home. They spoke to him and they all went towards Higgin Land after the three men. On the way he met the deceased, Cecil Henry, on a hill top and he and Henry were travelling together when he heard the sound of a gun. Before he had gone up into the hill he had heard two shots, and after he went on the hill he heard three more. After the second of the last three shots he saw Cecil Henry fall. He looked in the direction of the shots and saw the accused and two other men. They were about six to seven yards away. The three were together and the accused had the gun in his hand with the muzzle pointing towards where he and the deceased were. After the deceased fell he saw him bleeding from his left eye, and he bawled out, "They shoot Henry." He said the three men could hear this. When he bawled out he said they fired another bullet and it went into a maiden plum tree. The three men then ran out of the hill and he ran after them. When he had run about three quarters of a mile, Joseph Lawrence and George Parry caught up with him, and while they were running behind the three men he heard the accused say that they had trailed him too far and he didn't have any powder left but he had a dagger, for dead men tell no tales. He then became afraid and turned back. On the 12th of June, 1968, he also attended an identification parade but he was unable to identify the accused. He did however, identify George Wilson.

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Evidence was also given by Joseph Lawrence and George Parry, who both testified that they were amongst the crowd who were trailing the three men,

and after hearing the shots they saw the three men going down the hill, and that the accused had the gun in his hand.

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10 The medical evidence showed that the deceased was shot above the left eyebrow, the bullet penetrating the forehead and perforating the left frontal lobe of the brain and lodging in the occipital region of the brain on the right side. Death was due to destruction of the critical and essential part of the brain by the bullet.

20 On the 9th of June, 1968, the accused was interrogated by Inspector Kirlew, who told him that he was investigating a case of murder of Cecil Henry who was shot at Bugger Hill on the 14th of May. Apparently Bugger Hill is a part of the Higgin Land area. He told the accused that he had got information that he knew about it, and asked him if he could assist. The accused said, 'Me nuh know nothing bout it.' George Wilson was then called in, and in the presence of the accused he related substantially all the events to which he subsequently testified in evidence, to which the accused replied, "Me nuh know them, sir." Valentine Wilson was then called in, and he also related the events to which he subsequently testified in evidence. The accused then said: "Since a so it go and them a brother and them say a me, a Valentine shoot the man."

30 The accused made an unsworn statement in which he said that he had known Valentine Wilson for about seven years, and George Wilson for about four years. He had gone with them to visit their parents in the country. The following morning the Wilsons said that they were going to their father's land in the mountain, and he went along with them. On the way, Valentine took a gun from a travelling bag which he was carrying and loaded it with some cartridges which he took from a packet. George Wilson asked to see the gun, and Valentine handed it to him. They then went to Dahlia Campbell's yard. His statement as to the ganja transactions at Dahlia Campbell's yard was substantially the same as George Wilson's and Valentine Wilson's testimony, but as regards the shooting there by George Wilson, his statement was substantially the same as the evidence given by Dahlia Campbell, Fedley Brown and Augustus Johnson. He said that after the shooting George Wilson pointed the gun at him and

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told him to take up one of the machetes that were in the yard. George Wilson then took a scale that was in the yard and told him to take one of the bags of ganja, while Valentine Wilson took the other, and they started out. When they got about one and a half miles away Valentine said, "All right, George, give me the gun now." George handed Valentine the gun, and Valentine put some more shots in it and then gave it back to George. They continued on and then he heard some talking coming closer in the hill and he saw two men coming. George then turned to them and said, "It is your time now." He then said: "He fired two shots." It appears that he was referring to Valentine, although he did not say when George had handed the gun back to Valentine. However, he went on to say that he heard the footsteps running away and he heard some men down at the level saying, "Dem nuh gone, dem in the hill a fire shot." He then heard a man say, "Come and tell Palmer must come with his gun." They then went to another hill and whilst there he heard some noise encircling the hill. Valentine told him to keep silent. They heard a hard tearing through the thicket. They were stooping down one behind the other, Valentine being in front, the accused in the middle and George at the rear. When the mashing started, Valentine rose with his gun and started to fire some shots. George then said, "All right, come now," and started to chop his way out. He followed behind George and when they had gone about one and a half chains he did not see Valentine. He asked George where Valentine was, and George said, "You don't see him have a gun a defend himself." After they travelled about fifteen chains they heard some stones being flung. Valentine then passed them and he was still firing the gun but there were no shots left in it. Three men were still following them and throwing stones at them. They eventually got back to the Wilsons' mother's home where the ganja was shared up between them, and on the following Friday they returned to Kingston.

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The learned trial judge in his directions to the jury left with them the issue of self-defence, on the basis that there was some evidence that the accused and the Wilsons were being attacked by their pursuers. There was some evidence that the deceased and some of the pursuers had sticks, and

that stones were being flung at the three men. The learned trial judge withdrew from the jury any issue as to manslaughter, and directed them that there were only two verdicts open to them, namely, guilty or not guilty of murder.

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(continued)

The first ground of appeal argued by learned Counsel on behalf of the appellant is as follows:-

10 "That the learned trial judge was both inadequate in and misdirected the jury in his summation as to corroboration with particular reference to corroboration linking up the accused with the fatal shooting at the material time. This is more so indicated by the fact that the piece of evidence that the judge pointed out to the jury as being capable in law of amounting to corroboration linking up the accused with the actual shooting of the deceased turned out to be not capable of amounting to that type of corroboration in law which must lead to the conviction being quashed. Regina vs. Goddard and others (1962) 1 W.L.R. 1282: Regina vs. Trigg (1963) 1 W.L.R. 305 refer."

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30 On the evidence led by the Crown it was clear that the witnesses George and Valentine Wilson, if not accomplices with the accused to the killing of the deceased, were witnesses who had an interest to serve, and who would endeavour to exculpate themselves. Moreover, it appears that George Wilson had been charged with shooting with intent in respect of the incidents at Dahlia Campbell's yard, and that these charges had been dropped against him. In these circumstances, it was incumbent on the learned trial judge to give the jury a careful warning on the danger of convicting on the uncorroborated evidence of the Wilsons.

The learned trial judge's directions on the necessity for corroboration, appears at pages 195 to 197 of the summing-up, and were as follows:-

40 "Now, in so far as these two Wilsons go, members of the jury, you have been addressed by both Counsel on the question of whether or not they are accomplices. Now, an accomplice is a person who participates actively in respect of the actual crime charged. He must

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(continued)

take part in it. Now, the actual crime charged in this case is murder. We are not concerned with whether they were accomplices in the purchasing of ganja, or the stealing of ganja. The actual crime with which we are concerned here, is murder; what the law describes as persons who are in particeps criminis in respect of the actual crime are accomplices, and in a case, Members of the Jury, where it is not clear that the witness was a participant in the particular crime but there is evidence from which you, the Jury, may find that he was, then, it must be left to you to decide whether he was an accomplice or not. If you should decide that he was an accomplice then I have to warn you that the uncorroborated evidence of an accomplice is admissible in law but I must further warn you that although you convict on such evidence, it is dangerous to do so unless you find that there is corroboration of his evidence and by corroboration I mean some independent evidence of some material fact which implicates the accused person and tends to confirm that he is guilty of the offence. But I am afraid that I have to go a little further than that, Members of the Jury. The law says or rather, it is now established that in cases where a person might have an interest to serve it is desirable that I should give you a warning similar to that as regards accomplices so, even if you should find that they are not accomplices, I find it my duty to warn you that it is abundantly clear in this case that both these Wilsons would have an interest to serve bearing in mind that George himself was charged with shooting with intent and the charges were dropped against him.

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The accused is saying that it was Valentine who fired the shot and not him; George would be anxious to clear Valentine in the eyes of the police and in your eyes and in the eyes of the law and George would be anxious to present himself in a favourable light so the desirable effect of having the charges dropped would have been achieved and both of them would be anxious to clear themselves in the eyes of the district so, it seems quite clear, Members of the Jury, that they are so mixed up in this thing that it

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can fairly be said that each of them had an interest to serve and therefore it is my duty to warn you that it is dangerous to convict on this evidence unless you find corroboration.

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And as we go through the evidence, I will endeavour to point out the different pieces of evidence which if you accept it you may regard as corroboration."

Judgment

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(continued)

10 At page 206, he told them further:

"There is one thing I had forgotten to tell you, members of the jury, when I was dealing with the question of corroboration. When you are looking for corroboration if you find that those two Wilsons are accomplices or that they both have an interest to serve, one can't corroborate the other. You must look to independent evidence so all that you hear this other witness Valentine, saying now along
20 similar lines to what George has said, you can't use that as corroboration, you must look for it elsewhere."

The learned trial judge then reviewed the evidence to the jury and pointed out two bits of evidence which he told them could be capable of corroboration. At page 219, whilst reviewing the evidence of Granville Fearon, he said this:

30 "Now if you accept that piece of evidence that Palmer it was who had the gun at that stage, then if you accept it, that is evidence which you might regard as corroborative of the evidence given by the Wilsons that it was Palmer who was carrying the gun."

And at page 220, whilst still reviewing the evidence of Fearon, he said this:

40 "Here again you have the two Wilsons saying that it was Palmer who fired the shots in the hill. Here you have this independent witness, Granville Fearon, saying that he saw Palmer with the gun in his hand, muzzle pointing towards where Henry and himself were. If you accept that piece of evidence, members of the jury, that is evidence which may be capable of

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corroborating the story of these two Wilsons."

Learned Counsel, whilst not complaining about the adequacy of the directions as to the necessity for corroboration, complained about the bits of evidence which the learned trial judge told the jury could be accepted as corroboration.

With regard to the first bit of evidence referred to above, learned counsel submitted that this evidence could not be regarded as corroboration because it did not link up the accused with the fatal shooting. 10

Whilst it is true that the fact that the accused may have had the gun shortly before the shooting would not necessarily mean that he had it at the time of the shooting, this evidence was nevertheless corroborative of the Wilsons' evidence that after they had left Dahlia Campbell's yard, George Wilson had handed back the gun to the accused. This was an important link in the narrative of the Wilsons' evidence, and if the jury accepted Fearon's evidence on this point, this would add to the credibility of the Wilsons' evidence. 20

With regard to the second bit of evidence, learned counsel submitted that this could not be regarded as corroboration because the witness Fearon had failed to identify the accused at the Identification Parade.

The learned trial judge was careful however, to point this out to the jury, at page 221 of his summing-up, where he said this: 30

"Well, some amount of criticism has been levelled at the fact that this witness failed to point out the accused. On the other hand, the accused (sic) explained later in cross-examination that when he saw Palmer in Kingston he was 'maugrer' than when he saw him in the hill, but he is quite positive that it was three men, two tall ones and one short one who had the gun, and that the short one is the accused Palmer. It is for you to say, members of the jury, whether you are going to accept this evidence or not. It is for you to say whether you think he is a reliable and credible witness despite the fact that he was unable to identify the man at the identification parade." 40

So, here, the learned trial judge had clearly left it to the jury to say whether they accepted Fearon's evidence that it was the accused who had the gun, and it was only if they accepted this evidence that it would be corroborative of the Wilsons' evidence. It should also be noted that other witnesses had spoken of the three men as being, two tall, that is, the Wilsons, and one short, that is, the accused, and there could have been no doubt in the minds of the jury, on the evidence, that it was the accused whom Fearon said he saw with the gun.

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9th May 1969
(continued)

The second ground of appeal is as follows:

"That the learned trial Judge dealt with inconsistencies inadequately in his review of the evidence in that he pointed out what the independent witnesses for the Crown said in support of what was said by the two accomplices for the Crown but failed to point out that the pattern of shooting at heads by George Wilson the accomplice for the Crown was identical to the fatal shooting in contrast to the inactivity and non-participation by the accused at the yard of the lady from whom there was the alleged larceny of ganja and money. This pointed therefore to a situation of circumstantial evidence inimical to George Wilson, the accomplice for the Crown and extremely favourable to the innocence of the accused in respect of the fatal shooting."

Learned counsel submitted that when dealing with inconsistencies with particular reference to the accomplice George Wilson, the trial judge ought to have directed the attention of the jury to the recent shooting by George Wilson of a similar pattern to that of the fatal shooting. Had he done that, most certainly, it was submitted, it would have given rise to great doubt in the minds of the jury as to whether both George Wilson and the witnesses from his district were not merely protecting George Wilson by putting the gun in the hands of the accused.

It was pointed out to learned counsel, who had not conducted the defence in the Court below, that the defence was not that George Wilson had shot the deceased but that it was Valentine Wilson who had

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(continued)

done so. In these circumstances, there was no necessity, in our view for the learned trial judge to have directed the jury in the manner suggested by counsel.

The third and seventh grounds of appeal were taken together. They are as follows:

"3. There being no identification whatsoever at the identification parade of the accused as the person who did the fatal shooting, but rather merely one of the three participants in the common design to steal ganja and shoot if necessary as opposed to an abundance of identification and evidence pointing to the Crown witness George Wilson as the murderer both the summation amounts to a misdirection and verdict is unreasonably cumulatively leading to a miscarriage of justice." 10

"7. Identification in a case of this nature is both germane and vital to the issue and since the identification of the accused as being the party or person responsible for the fatal shooting is completely absent at the identification parades as opposed to the positive identification by three witnesses of George Wilson for shooting at them in the same situation, the learned trial judge was at great fault when dealing with corroboration and identification, not to highlight this matter which is to a large extent incriminatory of George Wilson and exculpatory of the accused concerning the fatal shooting which, inevitably lead to an acquittal." 20 30

Learned counsel submitted there was no identification of the accused at the identification parade as being the person who had shot the deceased. It was submitted that Fearon, having failed to identify the accused at the identification parade, the learned trial judge should have highlighted this to the jury and have told them not to attach much weight to his purported identification of the accused in the dock. 40

I have already referred to the learned trial judge's directions at page 221 of the summing-up, and in our view, he dealt quite adequately with the failure of Fearon to identify the accused at

the identification parade.

The fourth ground of appeal is as follows:

"The learned trial judge erred in law in taking away from the jury the issue of manslaughter in a case of this nature."

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(continued)

10 It was submitted that in view of the nature of the evidence in this case and, accepting that the accused was the one who had fired the fatal shot, it would constitute no more in the circumstances than killing in defence of his person, in that, it was admitted by at least one witness that the deceased and the witness when at close range, about eight yards from the accused and the Wilsons were armed with sticks with the intention of capturing and beating the accused and the two Wilsons. In those circumstances, it was submitted, there was imminent danger to life and limb of the accused, who was entitled in the circumstances to act as he did, even killing in so doing.

20 It was submitted that the situation in the instant case was almost identical to the circumstances surrounding the shooting in the case of R. v. Shaw (No.2) (1963) 6 W.I.R. 17. It was further submitted that manslaughter could have arisen because of the existence of a situation of terror that would lessen the intention to kill and make it the lesser offence, namely, manslaughter. It was submitted that the degree of force used was not so extreme and disproportionate as to be consistent
30 only with an intention to do serious harm, and that in the absence of motive there was sufficient in the circumstances to induce a real doubt as to guilt of murder. In support of this last submission, learned counsel cited the case of Reg. v. Shampal Singh (1962) A.C. 188.

40 As mentioned earlier in this judgment, the learned trial judge had left the issue of self-defence to the jury on the basis that there was some evidence of an attack being made on the three men by their pursuers. If the jury had found that the accused was acting in self-defence, their verdict would have been one of acquittal. They rejected this defence, in our view, quite rightly, and, on the rest of the evidence for the Crown there was, in our view, no scope for a finding of

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9th May 1969
(continued)

manslaughter. We do not think that the situation as existed in this case could be said to be "almost identical" to the situation as existed in Shaw's case cited by counsel, nor do we think that the case of Sharmpal Singh is relevant to the instant case.

The fifth ground of appeal is as follows:

"The learned trial judge fell in a fatal lapse in law in a case of this nature in failing to direct the jury as to common design in respect of the fatal shooting especially when the Crown unusually and peculiarly so withdraws the shooting with intent charges against the two Wilson brothers and used them in these circumstances as Crown witnesses to secure a conviction against the accused, a stranger for the area to which these two accomplices belong."

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Learned Counsel submitted that the two Wilsons and the accused should have been placed on trial together for murder on the footing of common design, because the larceny of the ganja and the hot pursuit that followed leading up to the fatal shooting, were indivisible. In the circumstances, it was submitted, this was an unusual departure on the part of the Crown to have separated the three in the common design and adopt two of them to give evidence against the accused for murder.

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It was further submitted that the learned trial judge should have told the jury that there was a common design to kill the deceased, and that if the Wilsons had been charged jointly with the accused, then it would be a case of one co-accused putting the blame on the other; and in those circumstances, the jury would have paid little or no regard to the evidence of the Wilsons. In support of this latter submission, learned counsel cited the case of King vs. The Queen (1962) A.C. 199. Learned counsel also drew the Court's attention to the passage appearing at paragraph 1297 of Archbold on this point.

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At the time of the trial, the charges against George Wilson for the shooting at Dahlia Campbell's yard had been dropped, no order having been made against him, and it is our view that there was nothing improper, in the circumstances, in the

course which was adopted by the Crown.

It is our view that whilst it could perhaps be said that the Wilsons and the accused were acting in pursuance of a common design in the events which occur at Dahlia Campbell's yard, there was no evidence, apart from mere presence, to support a common design in the Wilsons to shoot and kill the deceased.

10 There was a sixth ground of appeal which was abandoned. In the result therefore, these grounds of appeal having failed, the application for leave to appeal is refused.

No. 23

ORDER GRANTING SPECIAL LEAVE TO APPEAL IN
FORMA PAUPERIS TO HER MAJESTY IN COUNCIL

AT THE COURT AT BUCKINGHAM PALACE

The 4th day of February 1970

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

20	LORD PRESIDENT	MR. MELLISH
	LORD BROWN	MR. DELL
	MR. SECRETARY THOMAS	SIR ARTHUR IRVINE
	MR. SILKIN	SIR LESLIE O'BRIEN

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 22nd day of January 1970 in the words following viz.:-

30 "WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Sigismund Palmer in the matter of an Appeal from the Court of Appeal of Jamaica between the Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for

In the Court
of Appeal

No.22

Judgment

9th May 1969
(continued)

In the Privy
Council

No.23

Order granting
Special Leave
to Appeal in
forma pauperis
to Her Majesty
in Council

4th February
1970

In the Privy
Council

No.23

Order granting
Special Leave
to Appeal in
forma pauperis
to Her Majesty
in Council

4th February
1970
(continued)

special leave to appeal in forma pauperis to Your Majesty in Council from the Judgment of the Court of Appeal of Jamaica dated the 9th May 1969 dismissing his Application for leave to appeal against his conviction for murder by the Circuit Court for the Parish of St. Ann on the 17th December 1968: And humbly praying Your Majesty in Council to grant him special leave to appeal in forma pauperis against the Judgment of the Court of Appeal of Jamaica dated the 9th May 1969 and against his conviction and sentence by the Circuit Court for the Parish of St. Ann on the 17th December 1968 or for further or other relief:

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"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal in forma pauperis against the Judgment of the Court of Appeal of Jamaica dated the 9th May 1969 and his conviction and sentence by the Circuit Court for the Parish of St. Ann on the 17th December 1968.

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"AND Their Lordships do further report to Your Majesty that the authenticated copy of the Record produced by the Petitioner upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Respondent) as the Record proper to be laid before Your Majesty on the hearing of the Appeal."

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HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

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Whereof the Governor-General or Officer administering the Government of Jamaica for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W.G. AGNEW.

IN THE PRIVY COUNCIL

No. 4 of 1970

O N A P P E A L
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N

SIGISMUND PALMER

Appellant

- and -

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

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