

30th September, 1965

J A M A I C A

112 ref. vlt.

IN THE COURT OF APPEAL

R.M.G.A. No. 195/65

BEFORE: The Hon. Mr. Justice Henriques
The Hon. Mr. Justice Waddington
The Hon. Mr. Justice Moody (Ag.)

R. vs. HUBERT MORRIS

Mr. E. L. Miller appeared for the Crown.
Applicant appeared on his own behalf.

HENRIQUES, J:

In this case, the appellant was convicted on the 10th of August, for the possession of ganja by the learned Resident Magistrate for the parish of St. Elizabeth and sentenced to 18 months hard labour. The facts of the case as testified to at the trial were that a Corporal of Police along with an Acting Corporal, went on the 27th of July, to premises at Newhampton, the home of the appellant. There, they knocked at the door, the door was opened by the appellant and a Search Warrant was read to him. A search was made, and from a cardboard box on the table, 3 packets were taken which were opened, and in them was vegetable matter containing ganja. Under the bed another parcel was found, and in a bag in that parcel was found vegetable matter, also, resembling ganja. The accused was then arrested and was cautioned and he said that 'is a little tree I did have and I root it up and it is this.'

The articles were subsequently taken to the Government Chemist and the certificate returned to the effect that they all contained ganja. The accused in his trial denied positively that these were ever in his possession or

/that.....

that any ganja was found on him, and complained that the police had violently broken into his house. In this appeal he has urged that he had been previously harrassed by the particular Acting Corporal and that he is not guilty of the offence of which he was convicted. We see no merit in this appeal. The facts were clear and the Magistrate was entitled to come to the conclusion to which he did. The appeal is therefore dismissed.

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