15th October, 1965.

J A M A I C A

IN THE COURT OF APPEAL

R.M. COURT CRIMINAL APPEAL NO. 136/65

BEFORE: The Hon. Mr. Justice Duffus (President)

The Hon. Mr. Justice Waddington

The Hon. Mr. Justice Moody (Acting)

R.   v.   R A Y M O N D   W I L S O N

Mr. E.G. Green appeared for the Crown
Appellant appeared in person.

DUFFUS, P.,

This appellant, Raymond Wilson was convicted
of the offence of house-breaking and larceny.

The evidence against him came principally from
Linda Golding who said that she saw the accused on the
street where she lives. She spoke with the accused, he
was asking for an address on that street and she saw the
accused enter the premises where she lives. She was
going about her business outside and she lost sight of
the accused while he was standing on the verandah of the
building in which she occupied an apartment. Some time
later when she returned to her home she found that £2
which she had left on a vanity was missing.

The police made enquiries into the matter and
the following month, on the 13th of April, some five
weeks after the £2 was stolen, they arrested the accused
and an identification parade was held. It transpired that
one of the persons put by the police on that identification
parade along with the accused was the complainant's son.
It is of course, possible that the police officer who
arranged the parade may not have known that this young man
was the complainant's son, but nevertheless, this Court
considers it highly improper that a parade should have

/been conducted ...

been conducted in such circumstances. Crown Counsel
concedes that justice would not appear to have been done.
Great care has to be taken by the police in arranging
a parade, and it is quite possible that they saw this young
man standing around outside and they took him up and put
him in the line. Nonetheless, when this came to the atten-
tion of the learned Resident Magistrate we certainly think
he should not have accepted, as he did, the evidence of
identity as given by the complainant.

        The Court will allow this appeal. Conviction
quashed and sentence set aside.