

J A M A I C A

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL No. 177/68

B E F O R E : The Hon. Mr. Justice Moody - J. A.
The Hon. Mr. Justice Shelley - J. A.
The Hon. Mr. Justice Eccleston - J. A.

R. v. Alberto Frederick

Mr. C. W. Walker for the Crown
Mr. A. Gilman for the Appellant

17th & 20th June, 1969

SHELLEY, J. A.

This is an appeal from convictions in the Home Circuit Court on an indictment containing 18 counts for forgery, uttering forged documents and obtaining money on false instruments.

The Crown's case was that Frederick forged six cheques, presented each for encashment at the Canadian Imperial Bank of Commerce, Kingston, and obtained the sums named in each cheque. All this took place between the 9th and 14th February, 1967. The teller who cashed the cheques pointed out the appellant at an identification parade by touching him and saying: "This looks like the man".

A clerk from Barclay's Bank, King Street, Kingston, produced in evidence a signature card in respect of a savings account in the name of Alberto Frederick and showing an address the same as the appellant's. That card had been examined by the police handwriting expert who gave evidence that, having compared the handwriting on the card with that of specimen handwritings given by the appellant, he was of opinion that the card was written by the appellant. The Prosecution led no further evidence relative to that savings account.

The appellant denied any knowledge of the signatures allegedly forged and also denied forging and cashing the cheques.

The only ground which Mr. Gilman was granted leave to argue was that the learned trial Judge was wrong in law in admitting in evidence the specimen signature card from Barclay's Bank, King Street branch, in respect of savings account No. 2/01592. Mr. Gilman's submission is that the evidence

was not relevant to establish any fact in issue in the case, but could only have operated to the prejudice of the defendant, in that the Jury might have inferred that since the defendant had a savings account, such monies as might be in that account would, of necessity, be the proceeds of the allegedly forged cheques.

We certainly think that the card was admissible in evidence to show that, since the handwriting was that of the defendant, the savings account was operated by him and the Jury could draw the inference from that proven fact that it was a possible repository for his ill-gotten gains.

Other than producing the card and showing that it bore the handwriting of the defendant, for some reason best known to counsel for the Crown, he took the matter no further. His abandonment of that line of evidence would minimize the evidential value of the card, but would not make it inadmissible.

The learned trial Judge was at pains to tell the Jury to attach no weight to that evidence. Mr. Gilman does not complain of the Judge's directions.

We are unable to accept the view that that evidence must have influenced the Jury to the prejudice of the defendant. Apart from that evidence, the Prosecution presented a powerful case against the defendant. We see no reason to interfere with the finding of the Jury. For these reasons, the appeal is dismissed.