

the motor car being driven down from the Satellite Station towards the gate and they heard goats "bawling" loudly in the motor car. They tried to stop the motor car but it didn't stop; it drove faster and went off in the direction of Morant Bay.

Ransford and his father went to the Morant Bay police station and made a report and as a consequence Detective Arthur Martin went to the home of Randolph Thompson and made enquiries about the goats. Thompson denied that he knew anything about them. The detective asked him to allow him to look in the trunk of his motor car. He looked and saw in it goats' hair. The detective left and went to the home of the appellant, Miller, and told him that he was making investigations into a case of larceny of goats and that he believed that Miller could assist him. Miller replied: "About some goats nuh sah? The three of them up a Randolph's yard." - Randolph, meaning Randolph Thompson. The detective took him along with him to the Morant Bay police station, where Thompson was present and Miller repeated in Thompson's presence that the goats were at Thompson's yard. The detective went there and found the goats in a pen at Thompson's yard. When the detective went to the Earth Satellite Station, where the appellant Henry was on duty, and spoke to him, the detective said --- and the learned Resident Magistrate obviously believed --- that Henry said: "Ah the three of us catch them." That was the case against the three appellants.

There was ample evidence on which both Henry and Thompson could be convicted for stealing the goats and their appeals are accordingly dismissed. The only evidence against Miller was the fact that he was seen in the motor car by the school boy, Randolph Barrett. There was another bit of evidence which the Resident Magistrate might have taken into account

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but which we do not consider was evidence against him. After the detective took Miller to the police station he obviously wanted Miller to state in Thompson's presence that the goats were at Thompson's yard, as Miller had told him previously. He asked Miller a question which was in the nature of a trap question. This is the record of what detective Martin said in evidence: "When I asked Miller where were the goats they took at the Satellite Station, Miller replied they were up at Randolph's yard." Now, up to this stage the detective had given no evidence that Miller had admitted being personally involved in the taking of the goats. It seems to us an improper question for Martin to have asked in the circumstances, and we do not regard it as implicating Miller in the offence. So all that the Crown was left with was Miller's presence in the motor car.

It may be that if there is a stealing and persons are seen driving from the scene of the crime with stolen goods in the car, in the absence of a reasonable explanation it could be said that each of the occupants of the car was implicated in the offence, but in this case Miller gave an explanation, albeit from the dock. He said that he went with Thompson at Thompson's invitation, to the Satellite Station where Thompson said he had some job to perform on Henry's motor cycle, Thompson being a mechanic: that when he went to the Satellite Station he was left to guard the gate which Henry was supposed to guard; that Henry and Thompson went off together and brought back these goats and that he knew nothing at all about them.

In our view the explanation was consistent with Miller's innocence and was sufficient to negative any inference that his being in the motor car implicated him in the offence. In our judgment there was not sufficient evidence on which Miller could....

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could properly be convicted of the offence for which he was convicted. We accordingly allow his appeal, quash his conviction and set aside the sentence.