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IN THE COURT OF APPEAL

RESIDENT MAGISTRATES COURT C.A. NO. 41/73

BEFORE: The Hon. President
The Hon. Mr. Justice Robinson (Ag.)
The Hon. Mr. Justice Grannum (Ag.)

R. v. Cecil Edwards
and
Ernest Braithwaite

Mr. P. Harrison for the Crown

Mr. A. G. Gilman for the appellants

26th September, 1973

ROBINSON, J.A. (Ag.):

On the facts of this appeal it seems to this Court that both appellants were caught red-handed by the police. One appellant Edwards, is a fisherman and the other Braithwaite is a dental technician. They were not even taxi drivers. Miraculously, as they would suggest one was passing along a certain street driving his car, and, according to him, a man speaking like an American, asked him to do a job. Edwards said that this man took him to a house, neither the street nor place is stated, and at that place there were a number of suitcases totalling nineteen: that his pick-up was able to take only fifteen of these suitcases and that the other appellant, the dental technician was passing in his car and he, Edwards asked Braithwaite to assist him to transport these suitcases. Braithwaite, whereupon, put two on the back seat and two in the trunk. In this regard Braithwaite said he took the man up and he sat in his car and no travelled with him. The point here is that Braithwaite made mention in his defence of an American. Meantime the other man, Edwards, referred to two American speaking people. They transported these articles, according to them, to an unknown address. They stayed at the address and the vehicles were parked one behind the other near the entrance of a private airstrip. The articles were not unloaded from the vehicles when they got there but they sat there, both men, Braithwaite and Edwards, with the two people in the vehicle waiting. It is while they were there waiting that the police intervened, apparently having been tipped off, and the articles were found.

It is clear from all the facts in this case that all four people were working together, Braithwaite, Edwards and the other men; that they knew they were transporting ganja and all four had control and

dominion and.....

dominion and possession of the ganja. This Court is of the view that there is enough evidence to support the conclusion of the Resident Magistrate; and in relation to Ground I, re the evidence as to seeing this aeroplane, the Cessna, arriving and on being approached suddenly departing again, the Court finds there is no merit in that Ground or in the appeals.

The appeals of both appellants are therefore dismissed.