

No 241/65

JAMAICA

IN THE COURT OF APPEAL

R.M. COURT CRIMINAL APPEAL NO. 241/65

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

Re. vs DONALD WALTERS

Mr. F.M. Phipps for the Crown

Appellant appeared in person.

13th January, 1966.

DUFFUS, P.,

The appellant was convicted of receiving on an indictment which charged larceny and receiving. The evidence of receiving which was tendered on behalf of the Crown was to the effect that he had given as a present to his tailor a pair of shoes, which shoes were identified by the complainant as being one of several hundred pairs of shoes that had been stolen from the shoe factory.

The defendant in his defence denied that he had given these shoes to his tailor and it was a simple question of fact for the learned Resident Magistrate and he accepted the evidence of the tailor, Coley, despite the fact that it appeared that there had been some dispute between Coley and the appellant with regard to payment for a pair of trousers which had been made by Coley for the appellant. We see no reason why we should interfere with the conviction. The appeal is dismissed.