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IN THE COURT OF APPEAL

R. H. COURT CRIMINAL APPEAL No. 249/65

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

R. vs EDWIN COX

**Mr. F. W. Phipps for the Crown  
Appellant appeared in person**

**14th January, 1966.**

**DUFFUS, P.:**

The appellant Edwin Cox was convicted of the offence of larceny. The evidence against him comes from a watchman named Rupert Anderson employed to Stanley Scott to watch a building under construction at 69 Orange Street, Kingston.

At twenty minutes past one on the morning of the fourth of November, 1965, the witness, Anderson stated that he was on the premises and he saw the accused with a length of pipe and that close to where the accused was there was a heap of pipes belonging to Stanley Scott beside the watchman's hut. He said he spoke to the accused and told him to put down the pipe and asked him 'what you doing with it', and the accused moved out of the yard taking the pipe with him. He followed the accused and the accused went up Lake Lane; he still continued to follow him and the accused threatened him that if he followed him he would 'jock' him using a lot of foul language and threats saying also that he had a knife. He did not produce any weapon. The watchman followed him and he said he eventually saw a Special Constable named Lester Howell

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and made a report to him. In the meantime the appellant had dropped the pipe. The Constable arrested the appellant who said nothing. The pipe was produced in Court to the learned Resident Magistrate. It was identified by the witness who valued it at twelve shillings. The Special Constable gave evidence and said that when he came up the pipe was then in the hand of the watchman, Anderson.

The appellant made an unsworn statement from the dock, in which he stated that he had the pipe, having picked it up on the Foreshore Road where some wire-fencing was being run, and he was going to use it to do a job on his mother-in-law's television antenna.

Before us he stated that he was wrongly convicted by the learned Resident Magistrate as there was no evidence given by Scott, whom the watchman had said was the owner of the pipe, and further that the Constable who arrested him did not see him in possession of the pipe, and that no one was called to corroborate the evidence of Rupert Anderson that he had in fact seen him remove the pipe from Scott's premises. These submissions have no merit whatever in law. It was entirely a question of fact for the learned Resident Magistrate. If the Resident Magistrate believed the evidence of Rupert Anderson, then a clear case of larceny was made out. The appeal is dismissed.