

26th November, 1963.

J A M A I C A

IN THE COURT OF APPEAL

R.M. CRIMINAL APPEAL NO. 179/63

Before: The Honourable Mr. Justice Cundall - President
The Honourable Mr. Justice Lewis
The Honourable Mr. Justice Henriques

R E G I N A vs. G E R A L D W I L L I A M S

The appellant appeared in person.

Mr. L. Barnett for the Crown.

MR. JUSTICE CUNDALL:

In this case, on Sunday, the 28th of July this year, Henry Dickens, a ranger on Seville property in St. Ann, which is presently being administered by the Administrator General, saw two men sitting down picking berries off recently broken pimento branches. One of them he recognised as Sydney Martin who was also convicted along with this appellant. The other one he could not make out. He called out to Martin saying, 'you won't stop pick backra pimento on Sunday' and as he did that, 'Shad', that is Sydney Martin and the other man whoever he might have been, got up and ran. In due course, Martin was caught later that morning and he made a remark which was not evidence against the appellant, happened to mention him by name, that only would be evidence against Martin. They arrested Martin taking him from his home towards the parochial road and on reaching a crowd of people, he saw the appellant Williams and said, 'I see the man who was on the place with me'. As he said this, the appellant, Williams, was near enough to hear and he ran.

That, in itself, would not be sufficient evidence to implicate the appellant but he was chased and was held and was later arrested on a warrant charging him with this offence and the appellant replied, ' a no me alone was there'. This undoubtedly was tantamount to an admission. Standing by itself it was not very strong evidence but it was sufficient to justify the learned Resident Magistrate calling upon this appellant for his defence and unfortunately for

him when he gave evidence, he put himself more deeply into it by saying that he had been all that morning from eight o'clock until about two o'clock in the afternoon shelling beans for a friend of his named Sterling and said that the other accused Martin was also there nearly all the time. He came about half an hour later than the appellant did.

It is not a very strong case but there is in our opinion sufficient evidence which if the Resident Magistrate believed it, as he obviously did, would justify his finding this appellant guilty of praedial larceny. The appeal, therefore, is dismissed. Conviction and sentence confirmed.