

CRIMINAL LAW - Appeal from R.M. Court - Breach Dangerous Drugs Act
① possession of ganja ② dealing in ganja.
whether verdict unreasonable. whether sentence "harsh".
Held - Evidence overwhelming - sentence not harsh.
Appeal dismissed. Sentence ^{and} conviction affirmed.
JAMAICA
No case referred to.

IN THE COURT OF APPEAL

R.M. CRIMINAL APPEAL NO. 43/88

✓comp
COR: The Hon. Mr. Justice Rowe, P.
The Hon. Mr. Justice Carey, J.A.
The Hon. Mr. Justice Downer, J.A.

R. vs. GRANVILLE MASTERS

Appellant in person

Miss Y. Sibble for the Crown

May 3, 1988

CAREY, J.A.:

In the Resident Magistrate's Court for the parish of St. Catherine, held in Spanish Town on the 16th of February, 1988, this appellant, Granville Masters was convicted on two informations which charged him, respectively, for possession of ganja and for dealing in ganja. In respect of these informations, he was sentenced to pay, respectively, fines of \$1,000.00 or 6 months hard labour and in addition he was sentenced to terms of 3 years imprisonment at hard labour.

The case against this appellant was overwhelming. On the 8th of May, 1986 at about 5:45 in the morning, a police raiding party went to his premises at 68 Marine Park in St. Catherine, and on searching his premises found a considerable quantity of ganja. They were found in rooms in his house; there were some 221 packets found in two rooms. Total weight of that stuff was 619 pounds. According

to the prosecution case, when the police unearthed this cache of stuff and observed to him that it was ganja, he said, "bwoy mi salt".

He gave a rather interesting defence. He said that he had left his premises and he had some friend 'Tony' who, from time to time, came there and he suggested that Tony was the person who had put the stuff there and he called witnesses to establish this fact. But the witnesses let him down, especially one called Delroy Fraser, who said that he had handed this appellant the key for his house on the night prior to the police raid, and the appellant had left for his home. That was contrary to what the appellant had said.

The learned Resident Magistrate disbelieved, entirely, the evidence given by the appellant and his witnesses, and found that insofar as this aspect about Tony was concerned, it was a concoction. The appellant complained before us that the verdict was unreasonable because he did not put the ganja there; he had no knowledge it was there. But the evidence which was adduced and which was accepted by the learned Resident Magistrate shows that he was in possession of the ganja found and was aware that ganja was in his house. That evidence was overwhelming.

He also complained that the sentence was harsh. This Court does not share that view. This obviously was a man dealing in ganja; 619 pounds could only be used for trafficking in ganja. This cannot be regarded as a person who intended to have an occasional 'spliff'; if he did, it would take him a great many years to exhaust that supply.

In the result, the appeal must be dismissed, the sentence and the conviction are affirmed. The Court further directs that the custodial sentence is to begin from the date of his conviction.