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J A M A I C A

IN THE COURT OF APPEAL

R.N.C.A. No. 127/65

BEFORE: The Hon. Mr. Justice Henriques
 The Hon. Mr. Justice Waddington
 The Hon. Mr. Justice Moody (Acting)

R. vs. JOHN RASTERARI

Mr. E. L. Miller appeared for the Crown.
Appellant appeared on his own behalf.

28th September, 1965 -

MOODY, J. Ag.:

In this case the appellant was convicted on the 25th of May this year and sentenced to three years imprisonment with hard labour for having ganja in his possession. The evidence before the learned Resident Magistrate was that on the 16th of May before 7:30 p.m. the police in a patrol vehicle along West Street observed appellant riding in a northerly direction. They overtook him, stopped beside him and told him that they observed that he had no light on his bicycle. Appellant said it was pointed out to him that he had no light and he said he did have a light but it wasn't working at that time. Well, they searched him and found a towel in his right side trousers pocket and in opening this towel they found a Ten Shillings note and a brown parcel; they opened this parcel and observed that it resembled ganja. They then arrested him, charged him, cautioned him, and he made no statement.

This parcel was taken to the Government Analyst who analysed it and it was found to be ganja. The appellant in his defence stated very much what he had stated before us as being true, namely, that he was accosted for not having a light on his

/bicycle.....

bicycle and then observed that the light could work, but then he said they searched him and nothing was found and then they moved away from the spot where they searched him and he heard a constable say, "wait there man," and shortly after that he saw that they produced a package of ganja and told him that he had it in his possession. Subsequent to that he was ill-treated.

Well, the learned Resident Magistrate had all these facts before him, he saw those witnesses and he decided that there was established the possession of this ganja on the accused. There was evidence on which he could have come to this conclusion; he heard the defence as was repeated before us here, and we see no reason whatsoever to disturb the findings of the learned Resident Magistrate. In the circumstances the appeal is dismissed and the conviction stands.