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IN THE COURT OF APPEAL

R.M. COURT APPEAL No. 189/65

BEFORE: The Hon. Mr. Justice Duffus, President
 The Hon. Mr. Justice Waddington
 The Hon. Mr. Justice Shelley (Acting)

R. vs L I O N E L S M I T H

Mr. A.G. Gilman for the Crown

Mr. E.C.L. Parkinson, Q.C. for the appellant

24th March, 1966.

DUFFUS, P.,

The appellant, Lionel Smith was convicted of a breach of the Dangerous Drugs Law to wit, possession of ganja.

The case for the Crown came from two police witnesses and a civilian witness named Mary James.

It is the submission of learned Counsel for the appellant that the case as given by the police witnesses was completely destroyed by the evidence of Mary James, the civilian shop-keeper.

We have listened with care and interest to the submission of learned Counsel. We have examined carefully the evidence of Corporal Murphy, Constable Irwin and Mary James herself. We have also considered carefully and examined the evidence of the defence witnesses, and we are unable to agree with learned Counsel for the appellant that the evidence of Mary James destroyed the evidence of the police witnesses, which did in fact establish an extremely powerful case against the appellant on the charge of possession of ganja. If anything, the evidence of Mary James tends to support the

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evidence of the two police constables, certainly not in every respect, but in certain material respects.

It was purely a question of fact for the learned Resident Magistrate to decide, and we are unable to say that he erred in coming to the conclusion that he did. The appeal will be dismissed.