

NO report 726a

J A M A I C A

IN THE COURT OF APPEAL

R.M.C.A. No. 219/65.

BEFORE: The Hon. Mr. Justice Duffus (P)
The Hon. Mr. Justice Henriques
The Hon. Mr. Justice Moody (Ag.)

R. v. W E L L E S L E Y S M I T H

Mr. C. Orr for the Crown
Appellant in person.

29th November, 1965.

DUFFUS, P:

This appellant was convicted of unlawful possession of a watch, and he was fined £20, or three months imprisonment with hard labour.

The appellant was seen wearing a watch by Police Constable Brown, while on patrol duty in the town of Montego Bay. According to the Constable, the appellant was hiding in the darkness of Church Street on the western side. He spoke to him; he said he was hungry and was going to buy food. The Constable asked him where had he got the watch that he was wearing. He said he bought it. He subsequently told the Constable he had got it from a man called Jarrett. The Constable did not believe his story; he was suspicious and arrested him.

Before the learned Resident Magistrate, the appellant said that Jarrett had given him the watch as part payment for a job he had done for him. He called Jarrett as a witness but Jarrett denied that he had given him any watch. It is not surprising that the learned Resident Magistrate was not satisfied with the appellant's statement and convicted him.

On appeal, the appellant complained that he did not

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receive a fair trial and that Jarrett had lied on him. The learned Resident Magistrate would have appreciated whether Jarrett was lying or not. That was entirely a question of fact for the Resident Magistrate, and this Court sees no reason why it should interfere with the conviction and sentence. The appeal is dismissed.

M/P.

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