

CH. CHURCH LANE. Larceny of Cow - Evidence - white evidence
that cow sold by appellant in a cow station from Clarendon and
whether cow identified - whether sentence of 18 months
imprisonment excessive. All of the same.

JAMAICA

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 41/89

BEFORE: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE CAMPBELL, J.A.
THE HON. MR. JUSTICE WRIGHT, J.A.

REGINA

VS.

LASLIN MCLEOD

Mr. M. Lorne for the appellant

Miss Y. Sibble for the Crown

June 12, 1989

WRIGHT, J.A.:

On the 2nd June, 1988 the appellant Laslin McLeod was convicted in the Resident Magistrate's Court in the parish of Clarendon for larceny of one head of cow and was sentenced to serve imprisonment of eighteen months at hard labour. From this conviction and sentence he now appeals.

The facts briefly are that the owner of the cow, one Mr. Joseph Morrison, along with other persons including Albert Wright reared cattle in the vicinity of St. Jago. The animals were at large but were tended regularly by their owners. Mr. Morrison missed one of his two heads of cattle and went in search of it, a short-horned heifer with black and white marks under the udder and the belly. The search led to the home of one Mr. Euclin Barrett in Manchester where the cow was located and Mr. Barrett's account is that on the 22nd March, he had gone

to St. Jago in search of a heifer to buy and that this cow had been sold to him by the appellant for \$1,800 which he paid. The original asking price was \$2,400. Mr. Morrison reported his find to the Four Paths Police Station; the police took the appellant into custody and took him along to Mr. Barrett's home in Manchester where the cow was identified and possession was taken of it. It is alleged that Mr. Barrett remonstrated with the appellant and asked him why he sold him a stolen cow and not one of his. The appellant regretted it and he offered to ask his father to sell one of his bulls because he has some nine heads of cattle and so make restitution to Mr. Barrett.

Before us Mr. Lorne on behalf of the appellant contends that there was no nexus between the cow that Mr. Barrett had and the cow that Mr. Morrison claimed to have lost. The evidence shows that not only did Mr. Morrison know his cow but Mr. Albert Barrett who reared cattle in the same area also knew the cow and had accompanied the police along with Mr. Morrison to Mr. Barrett's home where the cow was found and identified.

We think on the evidence that point is concluded effectively against the appellant and there is no other point on which the conviction could be faulted. The question of sentence was argued by Mr. Lorne but we find no reason for interfering with the imposition of the sentence of eighteen months for the larceny of a head of cow. It is well known that there have been for some time quite an outcry by farmers who loose their cattle and their crops at the hands of praedial thieves and this is just one of those cases. We do not see anything wrong with the sentence of eighteen months inasmuch as it could have been three years.

In the circumstances the appeal is dismissed, the conviction and sentence affirmed and the sentence ordered to run from the 14th July, 1988.