

29th June, 1987

Before the Bailiff, assisted by Jurats Perrée and Coutanche.

POLICE COURT APPEAL: CLARENCE JAMES SYVRET

THE BAILIFF: It is difficult for us to say what decision the Magistrate would have come to had the evidence we've heard today from Mr. Holliday been available to him. We think that the Magistrate would have had to ask himself whether the explanation given by the appellant might possibly be true and in the light of Mr. Holliday's evidence that if the evidence might possibly be true, his evidence, that is to say Mr. Holliday's evidence, would be consistent with the story told by Mr. Syvret. We think there would have been left in the mind of the Magistrate a doubt to the extent that he would then have been satisfied that the prosecution had not proved the case beyond reasonable doubt. Therefore, the appeal is allowed with costs.

√

Authorities referred to:

A.G. -v- Thomas Derek Muldoon: JJ 24th February, 1986; as yet unreported.