

ROYAL COURT

26th June, 1989

Before: The Bailiff and
Jurats Blampied and Bonn

Police Court Appeal: Mark Bolton

Appeal against a conviction by the
Police Court on a charge
of assault.

Advocate S.C. Nicolle for the Crown
Advocate P.C. Sinel for the appellant.

JUDGMENT

THE BAILIFF: It is difficult for this appeal Court, sitting as we are, almost eight months after the case was heard in the Police Court, and after the Magistrate heard the case and saw the witnesses over a period of some three months. In the Police Court, the case was adjourned for a number of reasons, mainly because of its length. This Court cannot help feeling that it has a lingering doubt in its mind as to the correctness of the decision which the learned Magistrate took. We think that the evidence of Mr. Johnson was not given sufficient weight. He had no reason to tell untruths; he was not a friend of Bolton until they met each other later and therefore there was no relationship and no motive for him to put himself forward as the victim, so to speak, in the place of Bolton. We think, as did the Magistrate, that the

evidence of Mr. Neville was tainted to some extent by the fact that a man with a drinking history as he had, would make his evidence less reliable. Taking all of these matters into account, we are left with a feeling of doubt and we therefore feel that it would be unwise to allow this conviction to stand. The appeal is allowed, with costs, and the conviction is quashed.

n.b: no authorities.