

A.G. -v- Jacqueline Ann Harvey.

4th June, 1985.

Inf. No.

DEPUTY BAILIFF:- "This is an appeal from the decision of the learned Assistant Magistrate when he found the appellant guilty of with-holding certain stolen items. That being so, the question we have to ask ourselves is whether there was evidence on which the Magistrate could properly convict. We are not satisfied that he did misdirect himself as suggested by Mr. Boxall and we are clear that his finding was a finding of fact and that at some stage between the 14th or 15th of February and the 29th February, the appellant's "niggles", which we will call them, crystallised into a belief. That was a clear statement of the Magistrate and the fact that on the next page he then appeared to import some kind of objective tests in respect of all second-hand antique dealers doesn't invalidate his unequivocal finding on the previous page. He was (indistinct)....to evaluate the evidence of the witnesses which he heard or saw and even if he did by that finding prefer the evidence of certain of the police and others, that is to say, the evidence of Messrs. Jackman & Algate to that of Mr. Elliot and the Appellant, that doesn't mean to say his decision was wrong. But there would have to be strong grounds for our substituting our decision for his and we cannot find therefore, that he misdirected himself in law and that there was no evidence on which he could not convict, accordingly, the appeal is dismissed. Dismissed with costs.