

Mrs. Ramsay Hale

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IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN IN GEORGE TOWN, GRAND CAYMAN

S.C.A. NO. 59 OF 2001

ANTHONY CONNOR

- VS -

REGINA

PROCEEDINGS had and taken by THE HONOURABLE

MR. JUSTICE SANDERSON on the 10TH

day of May, 2002, George Town, Grand Cayman.

APPEARANCES:

For the CROWN:

MS. S. LOOK LOY

For the DEFENDANT:

MR. J. FURNISS

(SANDERSON, J. -- ORAL REASONS FOR JUDGMENT)

1 There was no suggestion that the
2 juvenile had kept the wraps and
3 there was no issue that a quantity
4 of drugs were found on the floor
5 between the juvenile and the
6 defendant. Any suggestion that
7 Whittaker kept all the wraps begged
8 the question of how the wraps ended
9 up on the floor near to the
10 defendant.

11 The only evidence before the Court
12 as to the disposition of the wraps
13 came from Whittaker, he had said
14 they were given to Connor and a
15 portion of cocaine was found on the
16 floor near to Connor. The
17 contradiction of the finding of
18 drugs on Whittaker with Whittaker's
19 evidence that Connor took
20 possession of all the cocaine is
21 inconsistent, as I have said, with
22 the assertion that such evidence
23 was given to prove that Connor was
24 the owner of the drug. But it does
25 not, in my view, materially affect

(SANDERSON, J. -- ORAL REASONS FOR JUDGMENT)

1 cocaine back to Mr. Connor, she cannot properly
2 rely on his evidence to conclude that he took
3 possession of some cocaine after it was cut.

4 The learned magistrate had the benefit of
5 seeing Mr. Whittaker and assessing his
6 demeanour and overall credibility. It is
7 always open for the finder of fact to accept
8 part or reject part of a witness' evidence.
9 Appellate courts are always reluctant to
10 interfere with trial judges' findings of fact
11 unless they are clearly wrong and this is even
12 more so when it comes to a question of
13 credibility.

14 In this case I cannot see that a finding
15 based on the credibility of Mr. Whittaker, as
16 well as the other evidence she referred to, is
17 clearly wrong. I think she was entitled to
18 conclude that the defendant was in possession
19 of the crack/cocaine based upon the evidence of
20 Mr. Whittaker and the other circumstantial
21 evidence she referred to. Accordingly, the
22 appeal is dismissed.

23 MR. ROBERTS: Thank you, My Lord.

24 MR. FURNISS: Obligated, My Lord.

25 WHEREUPON COURT ADJOURNED

(SANDERSON, J. -- ORAL REASONS FOR JUDGMENT)

REPORTER'S CERTIFICATE

I, LISA M. BAKER, Official Court Reporter,
hereby certify that the foregoing pages are, to the
best of my skill and ability, a true and accurate
transcript of the proceedings had in the said Court
and reported in machine shorthand by me on the date
and place aforementioned.

DATED THE 25TH DAY OF MAY 2002

LISA M. BAKER