

DOMINICA

IN THE COURT OF APPEAL

MAGISTERIAL CRIMINAL APPEAL NO. 16 OF 1992

BETWEEN	JOSEPH HYPOLITE	APPELLANT
	and	
	THE POLICE	RESPONDENT

Before: The Rt. Hon. Sir Vincent Floissac - Chief Justice
The Honourable Mr Justice Singh - Justice of Appeal (Ag)
The Honourable Mr Justice Matthew - Justice of Appeal (Ag)

Appearances: Mrs Z. Dyer for the appellant
Mrs D. Wilson for the respondent

1992; September 17

JUDGMENT

FLOISSAC, C.J.

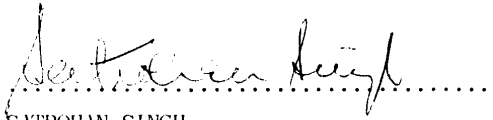
On the 24th March, 1992, before Magistrate D.J. Moise sitting in Magistrate's Court District "G" of Dominica, the appellant pleaded not guilty on a charge of driving without due care and attention on the Borne Public Road. He was fined \$480.00 payable by 30th April, 1992 in default three (3) months imprisonment.

A finding that a driver drove without due care and attention is invariably based on the credibility of witnesses, and the object of measurements is to support or to destroy credibility. Edward Shillingford stated "my vehicle is a left hand drive vehicle, so when I saw him coming to me I pulled more to my left, stopped on a culvert because there was not more space for me to go further left. I

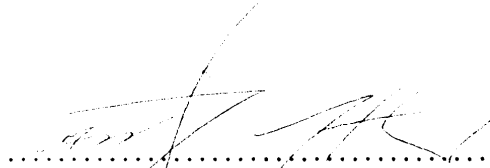
noticed the other vehicle leaving his left coming towards me, until he hit my vehicle". The learned Magistrate believed Shillingford whose evidence was sufficient to establish the offence of driving without due care and attention. The appeal is therefore dismissed.



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SIR VINCENT FLOISSAC
CHIEF JUSTICE



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SATROHAN SINGH
JUSTICE OF APPEAL (AG)



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ALBERT N.J. MATTHEW
JUSTICE OF APPEAL (AG)