

ANGUILLA

IN THE COURT OF APPEAL

MAGISTERIAL APPEAL NO.1/92

BETWEEN:

CECIL SAMUEL - APPELLANT

AND

COMMISSIONER OF POLICE - RESPONDENT

BEFORE: THE HONOURABLE MR JUSTICE BYRON, PRESIDENT
THE HONOURABLE MISS JUSTICE JOSEPH J. A. (AG.)
THE HONOURABLE MR JUSTICE SINGH, J.A.(AG.)

APPEARANCES: MISS P HARRIGAN FOR THE APPELLANT
MR K DEFRIETAS AND MR S HARRISON FOR RESPONDENT

1992, MAY 12

JUDGMENT

BYRON J.A

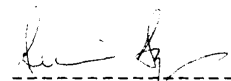
THE APPELLANT WAS CONVICTED OF BEATING A POLICE OFFICER WHILST IN THE EXECUTION OF HIS DUTY ON THE 15TH DAY OF JANUARY 1992 AND SENTENCED.

THE APPELLANT HAS APPEALED AGAINST THIS CONVICTION ON THE GROUNDS THAT THE MEDICAL EVIDENCE THAT HE HAD RECEIVED INJURIES TO THE BACK OF HIS SCALP AND TO HIS MOUTH AND LIPS WAS MORE CONSISTENT WITH THE TRUTH OF HIS VERSION OF THE INCIDENT, WHICH OCCURRED IN A CELL OF THE POLICE STATION WHEN HE WAS IN CUSTODY, THAN WITH THE VERSION OF THE POLICE OFFICER INVOLVED.

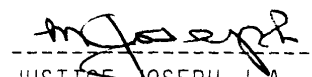
DECISION

AFTER ARGUMENTS BY BOTH COUNSEL, THE HON. ATTORNEY GENERAL AFTER SOME EXCHANGES WITH THE COURT, CONCEDED THAT THE DECISION OF THE MAGISTRATE WAS UNSAFE AND UNSATISFACTORY.

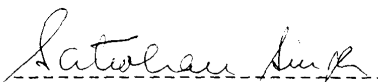
APPEAL ALLOWED, CONVICTION AND SENTENCE SET ASIDE.



JUSTICE BYRON, PRESIDENT



JUSTICE JOSEPH, J.A. (AG.)



JUSTICE SINGH, J.A. (AG.)