

28th May, 1985.

A.G. -v- Bernadette Palmer.

DEPUTY BAILIFF:- "The learned Magistrate in this case, took the greatest care to ensure that all the facts could be elicited, both in respect of the evidence called by the prosecution and that called by the defence. We have no doubt that he examined that evidence most carefully but we have reached the conclusion that because Dr. Holmes was not asked, inadvertently, no doubt the question as to what would have been his opinion had he known at the time of the incident, that the amount of blood alcohol would have been in the region of 95 to 97, we think there remains, in spite of the evidence that was before the learned Court, a degree of doubt which in our opinion would make it unsafe to allow the conviction to stand. That is not to say that the Magistrate was not entitled to take into account the police evidence, we do not attribute to that evidence the same degree of fallibility which you have done, Mr. Le Cornu. But never the less, for the reasons I have outlined, we are going to allow the appeal with costs."