

ROYAL COURT

186.

13th November, 1989

Before: The Bailiff, and  
Jurats Coutanche and Hamon

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Police Court Appeal: James Clifford Michael Copley

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Appeal against conviction on one charge  
of larceny of goods to the value of  
£154.70 from a "D.I.Y" Centre.

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Advocate S.C. Nicolle for the Crown  
Advocate M. St. J. O'Connell for the appellant.

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**JUDGMENT**

THE BAILIFF: The Court has listened very carefully to what you have said and you have made every point you can for the appellant, Mr. O'Connell, but there is no doubt that the circumstances surrounding these events were such as to raise a prima facie case of suspicion and the Magistrate was entitled, as he did, to reject the explanations given and if he rejected the explanations given we cannot say that there was insufficient evidence for him to convict. There were these irregularities and straightforward deceptions to Mr. Jehan by your client. They are explained by you as irrational; you say that they were made good by his going to the police but we cannot accept that view; people go to the police for a number of reasons, possibly to make a clean breast of things, possibly because they feel a sense of guilt, or possibly in

some cases indeed because they are innocent, but it is impossible to say that the mere fact of going to the police necessarily displaces the very fair inferences that the Magistrate is entitled to draw from the whole circumstances of the case. We cannot say that he erred in finding as he did; there was ample evidence on which he could find and the fact that he did not accept your submissions does not mean that he was wrong. Therefore the appeal is dismissed. Legal aid costs.

Authorities referred to:

Archbold (43rd ed.) at p.1332 re. The Mental Element in Crime - in particular the case of Sweet -v- Parsley.