

9/2/73

9-02-73

Appeal No. 2/72

Regina

vs.

James Cadian Ebanks

Brandon for appellant.

Seymour Panton for respondent

JUDGMENT

Time was about 4.30 a.m. It was still dark. Eldeen Ebanks, a female, with small driving experience was driving a car in the direction of West Bay. Defendant, a butcher aged 65 years with no relevant motor traffic offences, was driving his truck in the direction of George Town in order to market his meat. The two vehicles collided side to side in the road way. There is a conflict of evidence between the prosecution and the defence.

The learned Magistrate believed the prosecution evidence consisting of Eldeen Ebanks, her sister and Constable Cacho. He found that the defendant was a liar. Learned Counsel for the appellant has argued that the magistrate has given wrong reasons for disbelieving the appellant. I consider that the evidence supports the Magistrate's finding and no fault can be found with the inferences he drew. There is ample evidence establishing that defendant was driving too far over on his wrong side of the road and that this was the effective cause of the accident. Having regard to the time and circumstances the Magistrate was right in finding the appellant guilty of dangerous driving. There is no error in the sentence.

Appeal is dismissed.

(Sgd) G.J.Horsfall

9/2/73.