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R v Turnbull and Camelo (1976)

Turnbull and Camelo were convicted of conspiracy to burgle after a re-trial. A series of thefts from night safes had taken place after thieves had put notices over the safes stating they were out of order and asking customers to post takings through the letterbox. A bag was taped inside the letterbox and the money collected later. One evening a bank employee alerted the police and observations were kept. A man tried to remove the bag and was seen and chased by staff and police.

A detective stated that the man was Turnbull. At the time, the DC was ten yards away from Turnbull and in a well-lit street, and the DC saw Turnbull's full face. Turnbull got away but his description was circulated. A mile away a van was stopped and as it stopped Turnbull stepped out of some bushes and tried to get in it. Camelo was driving. Turnbull and Camelo were both charged and convicted. They appealed on the grounds that the guidance given by the judge to the jury was wrong in relation to the reliability of identification evidence.

Held

Appeals dismissed. Convictions upheld.

The judge must warn the jury that it is possible for a witness to be both mistaken and convincing and that a number of such witnesses can be mistaken.

The jury must also examine the circumstances in which the identification was made, in particular:

- For how long did the witness have the accused under observation?
- At what distance?

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- In what light?
- Was the observation impeded in any way, such as by passing traffic or a press of people?
- Had the witness ever seen the accused before and how often?
- What time elapsed between the observation and the subsequent identification to the police?
- Were there any discrepancies between the initial description given by the witness and the actual description of the accused?

In this case all the information had been given and formed a satisfactory basis for a conviction.

Notes

This case was considered at the same time as two others that also hinged on evidence of identification. These guidelines can now be regarded as authoritative, and **MUST** be considered when setting up an observation post, because the location of the post will determine the quality of the identification.