

77/80

COURT OF APPEAL (ENGLAND)

R v CHATWOOD and ORS

Bridge LJ, Forbes and Sheldon JJ

19 October 1979 — [1980] 1 All ER 467; [1980] 1 WLR 874; 70 Cr App R 39

CRIMINAL LAW – EVIDENCE – CONFESSION – ADMISSIONS BY EXPERIENCED DRUG-TAKER OF POSSESSION OF CONTROLLED DRUG – WHETHER EVIDENCE OF NATURE OF SUBSTANCE POSSESSED: MISUSE OF DRUGS ACT 1971, C38, S5(1).

Appellants, who were experienced in unlawful use of drugs, were questioned by police and each appellant made oral and written admissions that he had injected himself with drugs including heroin. Each appellant pleaded not guilty to contravening section 5(1) of the *Misuse of Drugs Act 1971* by unlawful possession of the drugs which he had admitted having used for injecting himself. The prosecution adduced no analysis evidence. A submission by the appellants at the close of the prosecution's evidence, that there was no case to answer in the absence of scientific evidence as to the nature of the substance injected was rejected. Only one appellant gave evidence, in which he stated that the substance with which he had injected himself was flour. The appellants were convicted. On appeal against conviction—

HELD: dismissing the appeals, that, since the appellants were experienced drug-takers, their statements to the police were sufficient to provide *prima facie* evidence of the nature of the substance which had been in their possession; so that they had a case to answer; and that, in view of the jury's verdict, they disbelieved the evidence by the appellant that he had used flour and they believed his admissions to the police.
