



Recent Decisions

Police Aren't Always Perfect, Motorist Gets Off Speeding Fine

In the interesting decision of Grice v. Day [2010] QDC 490 a fortunate motorist successfully appealed a decision of a Magistrate who convicted him of speeding.

In the Trial it was alleged that he was travelling at 117km/h. He was detected by a radar device fitted to a police vehicle.

The Magistrate found the motorist guilty of speeding after a Hearing at the Warwick Magistrates Court.

He appealed to the District Court.

The appeal proceeded on somewhat technical grounds.

One of the exhibits of the police at the Trial concerned the police officer's authorisation to operate the radar device on the day of the offence.

After legal argument, the Court agreed with the motorist that the certificate was inadequate. The certificate stated that the police officer attended a course but did not say that he successfully completed the course nor that he was authorised to operate the radar device.

The District Court found that the Magistrate was wrong because she should not have been satisfied beyond reasonable doubt that the police officer was authorised to operate the radar at the time the motorist was detected.

Accordingly, the motorist's appeal was successful and the police case failed.

COMMENT

Police usually proceed in the same fashion in prosecuting cases. Not in all cases do they have all of the proof they need.

This is why sometimes it pays to have a matter fully investigated to ascertain whether the police can in fact prove the case that they assert.

If you need more information, please contact *Robert Bakker*

298 Oxley Avenue
MARGATE QLD 4019

3883 3700

www.rblawyers.com.au

©2016 RB LAWYERS. All rights reserved