

R v TURNBULL AND CAMELO (1977 Q.B.224)

Identification

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. The thieves bag was taped inside the letterbox.

One evening a bank employee alerted the police and observations were kept. A man attempted 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 Detective was ten yards from Turnbull and in a well-lit street. The officer saw the suspect's face in full. Although the suspect got away his description was circulated.

Approximately one mile away a van was stopped and as it did so Turnbull came out of some bushes and attempted to get into the van driven by Camelo. Both Turnbull and Camelo were 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 following known as the Turnbull rules are now regarded as authoritative and MUST be considered when utilising identification evidence.

Where a case depends wholly or substantially on the correctness of one or more witness's identification of the accused, that the defence allege is mistaken, the Judge should:

1. Direct the jury to examine ADVOKATE closely. (see below)
2. Warn the jury of the special need for caution in relying on the correctness of any identification.
3. Direct acquittal where in their opinion the identifying evidence is poor.

Amount of time observed.

Distance.

Visibility.

Observation impeded.

Known to witness.

Any reason for remembering.

Time lapse between observation and identification.

Error in description.