

24, 1968

24

IN THE PRIVY COUNCIL

No. 7 of 1968

O N A P P E A L
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N :-

GLASFORD PHILLIPS

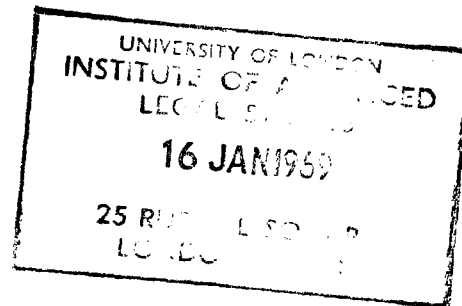
Appellant

- and -

THE QUEEN

Respondent

R E C O R D O F P R O C E E D I N G S



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O N A P P E A L
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N :-

GLASFORD PHILLIPS Appellant

- and -

THE QUEEN Respondent

R E C O R D O F P R O C E E D I N G S

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O N A P P E A L
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N :-

GLASFORD PHILLIPS

Appellant

- and -

THE QUEEN

Respondent

R E C O R D O F P R O C E E D I N G S

No. 1

In the St. Mary
Circuit Court

10

STATEMENT AND PARTICULARS OF OFFENCE

The Queen v. Glasford Phillips
In the Supreme Court for Jamaica
In the Circuit Court for the parish of Saint Mary

No. 1
Statement and
Particulars of
Offence
27th May 1967.

IT IS HEREBY CHARGED on behalf of Our Sovereign
Lady the Queen:

Glasford Phillips is charged with the following
offence :-

STATEMENT OF OFFENCE

Murder.

20

PARTICULARS OF OFFENCE

Glasford Phillips, on the 24th day of April, 1967,
in the parish of Saint Mary, murdered Joyce McNair.

2.

In the St. Mary
Circuit Court

No. 1
Statement and
Particulars of
Offence
27th May 1967.

(Sgd). M. Wright
for the Director of Public Prosecutions
27th May, 1967.

(Cont'd)

3.

No. 2

In the St. Mary
Circuit Court

PROCEEDINGS

ST. MARY CIRCUIT COURT,
12th June, 1967

No. 2
Proceedings
12th June 1967.

R. v. GLASFORD PHILLIPS

JUDGE: The Hon. Mr. Justice Smith
CROWN COUNSEL: M. L. Wright, Esq.
DEFENCE COUNSEL: K. Douglas, Esq.

Time 10.04 A.M.

10 REGISTRAR: Glasford Phillips, you are charged for
the offence of murder for that you on the 24th day
of April, 1967, in the parish of St. Mary murdered
Joyce McNair. How say you, are you guilty or not
guilty? A: Not guilty.

REGISTRAR: These persons whose names you shall now
hear called are the jurors to try your case; if
therefore, you wish to object to them or any of them,
you must do so as they come to the book to be sworn
and before they are sworn, and your objection shall
be heard.

20 JURY AS EMPANELLED AND SWORN

No. 6 Cyril Barton - sworn

No.12 Lilly Carby - (challenged by Defence)

No.24 Herbert Cornelius Edwards - sworn

No. 5 Violet Bryan - sworn

No.46 Oscar Wilson - sworn

No.50 Barrington Wharman - (challenged by
Crown)

No. 1 Easton Anderson - (challenged by
Defence)

30 No.17 Neville Chung - sworn

No.31 Wilfred Hibbert - sworn

No. 8 Curlene Byfield - (challenged by Defence)

4.

In the St. Mary
Circuit Court

No. 2
Proceedings
12th June 1967.

(Cont'd)

No.27	Miriam Gray	-	sworn
No.15	Leonard Campbell	-	sworn
No.28	Edward Harris	-	sworn
No.41	Logan Smart	-	(challenged by Crown)
No.39	Horace Philpotts	-	sworn (foreman)
No.18	Kermit Champagnie	-	sworn
No.40	Hubert Scheryer	-	(challenged by Crown)
No.26	Oswald Francis	-	(challenged by Crown)
No. 3	Catherine Burton	-	(challenged by Defence)
No.47	Arthur White	-	sworn

10

REGISTRAR: Mr. Foreman, members of the jury, the prisoner at the bar stands indicted under the name of Glasford Phillips charged with the offence of murder, for that he on the 24th day of April, 1967, in the parish of St. Mary murdered Joyce McNair. To this indictment he has pleaded not guilty and it is your charge therefore having heard the evidence 20 to say whether he be guilty or not guilty.

(P R O C L A M A T I O N)

(All witnesses in this case please stay out of hearing.)

Time 10.20 A.M. Crown Counsel opens case for the Crown.

5.

No. 3

In the St. Mary
Circuit Court

VERONICA REID

VERONICA REID, sworn. Time 10.40 a.m.

Prosecution
Evidence

No. 3
Veronica Reid
Examination.

Examined by Crown Counsel:

Q: Now lady, I am going to ask you to speak up loudly and clearly you see? A: Yes, sir.

Q: So that these ladies and gentlemen over here can hear you without difficulty. What is your name? A: Veronica Reid.

10 Q: What work do you do? A: Dressmaker.

Q: Is it Miss or Mrs.? A: Mrs. Reid.

Q: Where do you live Mrs. Reid? A: Belfield Works, St. Mary.

Q: Do you know the accused? A: Yes, sir.

Q: And did you know Joyce McNair? A: Yes, sir.

Q: Do you know whether there was any relationship between the two of them? A: Yes, sir.

Q: What? A: They were living as man and wife.

Q: Where did they live? A: At my home.

20 Q: How long were they living there? A: The accused was living there from '65, the 2nd day of October, and Joyce came to live there with him last year April.

Q: And up to when did she live there? A: A week before she died, sir.

Q: What month? A: The same April month.

Q: April this year? A: Yes, sir.

Q: How they got along in the meantime? A: They used to have fuss at times, sir.

30 Q: And do you remember what date she left? A: The 24th of April, sir.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 3
Veronica Reid
Examination.

Q: I am not asking the date she died. A: The date she leave?

Q: Yes? A: They had the fuss the 15th and she leave the following morning.

Q: She left the 16th? A: Yes, sir.

Q: Did she have any children? A: No, sir.

Q: Did she take anything when she was leaving?
A: She take her suitcase.

Q: Did you see her the following day? A: Yes, sir.

10

(Cont'd)

Q: Where? A: She came back to the home for her two chairs.

Q: Did she take the chairs? A: Yes, sir.

Q: Tell me, was the accused there when she was leaving on the 16th? A: No, sir.

Q: Was he there when she came back on the 17th for the chairs? A: Yes, sir.

HIS LORDSHIP: She left on the 16th and it was on the 17th she came back for the chairs. You say the accused was not there when she left on the 16th?
A: No, when she was leaving he was not at home, sir.

20

CROWN COUNSEL: You say he was there when she came on the 17th? A: Yes sir, for the chairs.

Q: Did she get the chairs? A: Yes, sir.

Q: Tell me, what part of the house they were living, the same building that you occupy? A: Yes, sir, but they were living at the lower floor.

Q: How many floors? A: Two.

Q: You live on the upper floor? A: Yes, sir.

30

Q: They live on the lower floor? A: Yes, sir.

Q: Now on the 21st of the same month did you see her again? A: Yes, sir.

Q: About what time? A: About 7 p.m.

In the St. Mary
Circuit Court

Q: Where? A: I was standing on my verandah and she came through the gate towards me.

Prosecution
Evidence

Q: Was she alone? A: Yes, sir.

No. 3

Q: Do you know Eunice McNair? A: Yes, sir.

Veronica Reid
Examination.

Q: Did you see Eunice McNair that day? A: Yes, sir, a few minutes after she came too.

Q: Do you know if the accused was at home then?
A: Yes, sir.

10 Q: Well, did Joyce go to the accused's apartment when she came? A: I told her not to go.

(Cont'd)

Q: No, no, just answer. A: Yes, sir, she went down there.

Q: Now just answer me yes or no, do you know what she came for that time? A: She came for her bed.

Q: Where was the bed? A: In the same room that she left.

HIS LORDSHIP: That is in the accused's room? A: Yes, sir.

20 CROWN COUNSEL: Well, do you know if she went into the room? A: No, sir, I could not see if she go in there.

Q: Well after she came to the premises did you hear anything? A: I heard the both of them were talking.

Q: Where was Eunice when they two were talking? A: She was still standing on the front of the verandah.

Q: She didn't go down to their room? A: No, sir.

30 Q: Did you see the accused at any time after you heard them talking, did you see the accused? A: No, sir, I never saw him at that time when they were talking.

Q: Well after the talking did you see him? A: Yes, sir.

In the St. Mary
Circuit Court

Q: Where? A: He came out to the verandah.

Q: Do you know if anybody had called him up there?

A: I spoke to Eunice.

Q: What I am asking you is did you hear anybody call the accused out? A: No, sir.

Q: Did anybody say anything just before he came out? A: Yes, sir.

Q: Who spoke? A: Eunice.

Q: Now when the accused came out did he say anything, you see, which could make you believe he had heard what Eunice said? A: Yes, sir.

Q: What did Eunice say? A: Eunice said 'I followed Joyce to go and take out the bed and the boy don't want to give it to her'.

HIS LORDSHIP: How did she say this, loud or soft, to you or what? A: She said it that the both of us could hear, me and the accused could hear, not very loud.

CROWN COUNSEL: What did you say why you believed he heard? A: Him say 'who you calling boy?' 20

Q: Where was Eunice when he said that? A: In front of my verandah.

Q: On the ground? A: Yes, sir.

Q: And where was the accused? A: Down the room.

Q: Still at his room? A: Yes, sir.

Q: And where was Joyce? A: Joyce was still down there at that time.

Q: What happened after he said who you calling boy? A: He pushed her to the ground.

Q: Who? A: Eunice. 30

Q: But he was in the room and she was outside?
A: After he said who you calling boy he ran from his apartment towards her.

Prosecution
Evidence
No. 3
Veronica Reid
Examination.

(Cont'd)

HIS LORDSHIP: Towards Eunice? A: Yes, sir.

In the St. Mary
Circuit Court

CROWN COUNSEL: And what happened after he pushed Eunice? A: She fell to the ground, sir, and she get up and flung a stone at him but it did not catch him.

Prosecution
Evidence

No. 3
Veronica Reid
Examination.

Q: Where was Joyce at that time? A: Joyce was still down there at that time.

Q: At the room? A: Yes, sir, because I did not see her at that time.

10 Q: Well did you see her afterwards? A: Yes.

Q: Where? A: She came out to the verandah.

(Cont'd)

Q: You said Eunice flung a stone? A: Yes, sir.

Q: After she flung a stone what did she do?

HIS LORDSHIP: Just a minute; well did Eunice fling the stone before Joyce came up to the verandah? A: Yes, sir.

CROWN COUNSEL: What happened, did Eunice remain down on the ground after she threw the stone? A: No, after she fell down on the ground she get up.

20 Q: But did she remain outside? A: Yes, sir.

Q: And you say Joyce came on the verandah? A: Yes, sir.

Q: So you were on the verandah, Joyce on the verandah, and Eunice outside standing on the ground? A: Yes, sir.

Q: What happened now after Joyce came out? A: He ran down to his apartment.

Q: He who? A: Accused, sir, ran down to his apartment for a machete.

30 Q: Did he come back? A: Yes, sir.

HIS LORDSHIP: He came back with what, how do you know he ran for a machete? A: Because he bring it back sir, after he ran down there he bring back the machete.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 3
Veronica Reid
Examination.

CROWN COUNSEL: What happened after he bring back the machete? A: He hit Eunice across her chest with the machete.

Q: Where was Eunice when he hit her? A: Still standing in front of the verandah please.

Q: Tell me, from what you could see what was Eunice's condition at the time? A: I don't understand.

Q: She was still standing outside? A: Yes, sir.

Q: After he hit her did she remain standing out there? A: Yes, sir. 10

(Cont'd)

Q: What happened after he hit Eunice? A: He hit Joyce.

Q: Joyce you say was on the verandah? A: Yes, sir.

Q: How did he get to hit Joyce? A: He ran up to the verandah and hit Joyce on the verandah.

HIS LORDSHIP: With what? A: With the same machete, sir.

CROWN COUNSEL: Well, what happened after he hit Joyce? A: The both of them run behind me. 20

HIS LORDSHIP: That is Joyce, who is the deceased, and Eunice? A: Yes, sir, the sister.

Q: Both of them ran behind you? A: Yes, sir.

CROWN COUNSEL: What happened after that? A: I noticed that he was approaching me with the machete sir, and I asked him if he is going to chop me and he said no.

Q: What happened after that? A: I held on to his hand. 30

Q: Which hand? A: The left hand sir.

Q: Why? A: Because he is a left hander, it is that hand he use.

Q: Where was the machete when you held his hand? A: In his hand, sir, the machete was in his hand

and I held on to his hand with the machete.

In the St. Mary
Circuit Court

Q: You held on to the left hand which had the machete? A: Yes, sir.

Prosecution
Evidence

Q: What happened after you held on to his hand?

A: I asked him to give me the machete and he did so.

No. 3
Veronica Reid
Examination.

Q: What happened after he gave you the machete?

A: I told him to go down to his apartment, sir, and I walk with him to the apartment.

10 Q: What did you do with the machete? A: I hid it behind the door.

Q: Behind whose door? A: His door, sir.

(Cont'd)

HIS LORDSHIP: You mean you put it behind there?

A: Yes, sir.

Q: How you said you hid it, he was not looking?

A: Well, I don't know sir, but after he left...

Q: Just a minute.

CROWN COUNSEL: You put the machete behind the door?

A: Yes, sir.

20 Q: Where were Joyce and Eunice at that time? A: They say they had to go to the station.

Q: Had they gone? A: I don't know if they go, but they left the home.

Q: Now you say they said they had to go to the station, where was the accused when they said that?

A: After they get the last hit they said they were going to the station.

30 Q: Where was the accused at that time when they said so? A: He was still standing there at that time when they were talking.

Q: He could have heard what was said? A: Yes, sir.

Q: Which of they said they were going to the station? A: Eunice.

Q: Now when she said that, did the accused say

In the St. Mary
Circuit Court

Prosecution
Evidence

No. 3
Veronica Reid
Examination.

anything? A: Yes, sir.

Q: What did he say? A: He said if it is station those two girls gone Martina will have to tie her belly.

Q: Who is Martina? A: The two girls mother, sir.

Q: Have you ever heard a phrase like that before?
A: Yes, sir.

Q: What do you understand it to mean? A: That if anything is wrong with a child the mother will have to tie her belly just to bear what happen. 10

(Cont'd)

HIS LORDSHIP: When you said the accused said if the girls had gone to the station Martina will have to tie her belly, when this was said were they there or gone? A: Gone.

Q: Was this before you went down with him to his apartment? A: No sir, it is when I went down there that he ran out of the house and used those words.

Q: And at that time both these girls left? A: Yes, sir. 20

CROWN COUNSEL: About what time was it when they left? A: About quarter to eight, sir.

Q: Now the following day did the constable come to the home? A: Yes, sir.

Q: Was the accused there when the constable came?
A: No, sir.

Q: When he came did you tell him anything? A: Yes, sir.

Q: What you told him? When the accused came?
A: Yes, sir. 30

Q: Did you tell him anything? A: Yes, sir.

Q: What you told him? A: I told him that the police came today.

Q: About what time that was? A: About 4 c'clock.

Q: Did he say anything? A: Yes, sir.

In the St. Mary
Circuit Court

Q: What he said? A: He said, 'all I know if dem go to station and make anything happen Martina will have to tie her belly fi one because she won't scold them'.

Prosecution
Evidence

No. 3
Veronica Reid
Examination.

Q: Now on the 24th of April, did the constable come back? A: Yes, sir.

Q: About what time? A: About 10.30 sir.

Q: Morning or night? A: Morning, sir.

10 Q: Was the accused at home when the constable came? A: No, sir.

(Cont'd)

Q: Well before the constable left did the accused come? A: Yes, a few minutes after he came.

Q: What happened after the accused came? A: I noticed the constable served him two summons.

Q: What happened after the constable served him the two summonses? A: He threw it down on the floor, sir.

HIS LORDSHIP: The summonses? A: Yes, sir.

20 CROWN COUNSEL: Did anybody speak to him when he did that? A: I tell him to take them up sir, because on the day of court he will want it.

Q: How you know they were summonses? A: Yes, sir, I know they were summonses, I heard the policeman told him that he bring two summonses.

Q: What happened after you told him to take them up as he would need them, did he say anything?
A: Yes, sir.

30 Q: What he said? A: He said they won't be of any use to him.

Q: Yes, did he say anything else? A: Because how long anybody live they won't see him go to court.

Q: What happened after he said that? A: A few minutes after the policeman leave and he went down.

In the St. Mary
Circuit Court

Prosecution
Evidence

No. 3

Veronica Reid
Examination.

Q: He who? A: Accused went down to his apartment.

HIS LORDSHIP: His apartment consists of what, is it just one room he rented? A: Yes, sir.

Q: He rents the room from you? A: Yes, sir.

CROWN COUNSEL: Yes, he went down to his apartment you say? A: Yes sir and I followed him to his apartment.

Q: Yes? A: I noticed he took up a machete file. I asked him what he is going to do with it, if he is going to file a machete and he said no.

10

(Cont'd)

Q: Tell me, did you speak to him after that? A: Yes, sir.

Q: Did he answer you? A: Yes, sir.

Q: What he said? A: He said what I have in my mind... I told him that..

Q: No, no, just tell me what he said to you; you say you spoke to him and he replied? A: Yes, sir.

Q: What you said to him after the file, you spoke to him about the file? A: Yes, sir.

Q: And he said no, he is not going to file the machete? A: Yes, sir.

20

Q: And what you said to him after that? A: I said, 'I am going to tell your mother to caution you because I see that you are about to do something'.

Q: Did he say anything to that? A: Yes, sir.

Q: What he said? A: He said 'what I have in my mind neither you nor mum can take it out'.

Q: What happened after that? A: He went through the gate, sir.

30

Q: What happened to the file? A: I get it from him and throw it through the window; he didn't leave with it.

Q: About what time was it when he left? A: About 15 minutes to two.

HIS LORDSHIP: That is in the afternoon? A: Yes, sir, I am not sure all the same about that time.

In the St. Mary
Circuit Court

CROWN COUNSEL: About what time was it when the policeman left? A: About eleven, sir.

Prosecution
Evidence

Q: Well later on did you hear something? A: Yes, sir.

No. 3
Veronica Reid
Examination.

Q: About what time it was? A: About two o'clock, about 2.30, sir.

10 Q: And as a result did you go anywhere? A: Yes, sir.

Q: Where? A: I went out on the main road and went about a chain and a few yards from my gate.

(Cont'd)

HIS LORDSHIP: That is the main road at Belfield Works? A: Yes, sir.

Q: About one chain and a few yards from your gate? A: Yes, sir.

CROWN COUNSEL: Yes, and what you saw? A: I saw Joyce McNair laying down on her belly.

20 Q: Yes, in what condition? A: And her head down the road and her two feet up and her right leg...

HIS LORDSHIP: Was she alive or dead? A: Dead, sir.

CROWN COUNSEL: What you see wrong with her? A: Her right leg almost severed and her right hand still hold it up; and she had a chop on her leg and on her head.

Q: Did you see the accused? A: No, sir.
Time 11.10 a.m.

VERONICA REID CROSS-EXAMINED BY DEFENCE COUNSEL:

Cross-
examination

Q: Mrs. Reid, how long had the accused lived with Joyce? A: I don't know how long.

30 Q: How long have you known the accused? A: Quite a long time now, sir.

Q: About ten years? A: Longer than that, sir; from he was a child.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 3
Veronica Reid
Cross-
examination

Q: And all along did you both live in the same district? A: Sometimes he leave and live out and come back. Never live there all the time.

Q: You say that Joyce called him boy that day? Beg pardon, Eunice called him boy? A: Please what you say, sir?

Q: You told this court that on the 21st Eunice called the accused boy? A: Yes, sir.

Q: And this upset him greatly, would you say?

A: Yes, that was the thing that cause him - that was the word that cause him to come up there. 10

(Cont'd)

Q: And as a result of this he even approached you with a machete? A: Yes.

Q: But you were able to take it away from him? A: Yes, sir.

Q: You didn't struggle with him? A: Yes, sir.

Q: You struggled? A: Yes, sir.

Q: Were you before him or behind him? A: Before accused?

Q: Yes, standing in front of him? A: Yes, I was standing in front of him. I was between the girls and the accused. 20

Q: Nothing happened to you? A: No, sir.

Q: Now, after the accused said if Martina don't scold those girls she will have to tie her belly, he then said that nobody will ever see me go to court, did he not? A: Please repeat, sir.

Q: He then said that nobody would ever see him go to court? A: It is not the same time he used the two words. 30

Q: After that? A: Yes, sir.

Q: This is after the summons were served on him? A: Is after the summons serve.

Q: That he said they wouldn't see him go to court? A: Yes, sir.

Q: Now, Mrs. Reid, I am suggesting to you that on that day you did not take away any file from the accused. A: Which day, sir?

In the St. Mary
Circuit Court

Q: That same day, the 24th? A: Yes, sir. I got the file from him and throw it through the window.

Prosecution
Evidence

No. 3

Veronica Reid
Cross-
examination

Q: I am suggesting to you that he threw down the file. He put it down. A: I was there and I am telling you, sir, that I got the file and throw it through the window.

10 Q: Did you give evidence at the preliminary enquiry? A: Yes, sir.

Q: Up at Richmond? A: Yes, sir.

(Cont'd)

Q: Did you give it under oath? A: Yes, sir.

Q: When you were finished was it read back to you by the learned Magistrate? A: Yes, sir.

Q: And did you sign it as being true and correct?
A: Yes, sir.

20 Q: Did you at that time say, "Accused then threw down the file and went through the gate? A: At Richmond I never say that. I got it from him and I throw it through the window.

Q: Did you at that time say the accused threw down the file and went through the gate? A: No, sir, I never said that.

HIS LORDSHIP: This is what you are being asked. When you gave evidence up at Richmond did you say up there that the accused threw down the file and went through the gate. Did you say that at Richmond?
A: I don't remember, sir.

30 HIS LORDSHIP: What? A: I said I got the file from him.

HIS LORDSHIP: No, no. Did you say at Richmond that the accused threw down the file and went through the gate? Did you or did you not? A: I do not remember saying that, sir.

DEFENCE COUNSEL: You do not remember saying that?
A: No, sir, because is I who got it and throw it

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 3
Veronica Reid
Cross-
examination

through the window.

Q: The accused was rather upset at that time, wasn't he? A: When I asked him about the file?

Q: Yes. A: Yes, sir.

Q: As a matter of fact from the 17th he had been upset? A: Yes, sir.

HIS LORDSHIP: He was upset from the 17th? A: Yes, sir.

HIS LORDSHIP: That is the day when the chairs were taken away? A: Yes, sir. 10

(Cont'd)

Q: And this was seven days later. Is that right, Mrs. Reid? A: Yes, sir.

Q: How far from you did the accused live as a boy? A: He is living about - from a boy, sir?

Q: Yes. A: He never station at one place, sir. He leave the district and go to America.

Q: But how far from you did he live? A: Right now, sir?

Q: No, when he lived in the district.

HIS LORDSHIP: He might have lived in different places. 20

Q: Did he move around in the district? A: He lived at his mother's yard before he came to live at my place.

Q: And how far is his mother's place from you? A: About a quarter mile.

Q: Do you of your own knowledge know that the accused was in hospital at any time? A: Yes, sir.

Q: Did you know that the accused...

HIS LORDSHIP: When was this? 30

Q: Do you know when this was? A: I couldn't remember the year, sir. Is about 1962. I am not sure all the same.

Q: Could it have been before that? A: I don't remember, sir.

In the St. Mary
Circuit Court

Q: You remember why he went to hospital? Did you know why he went to hospital? A: In 1962?

Prosecution
Evidence

Q: Yes. A: He was sick, sir.

No. 3
Veronica Reid
Cross-
examination

Q: You know that the accused had an accident?
A: I don't remember that, sir.

Q: You don't remember? A: No, sir.

10 Q: Was not the accused at this time a motor cyclist? A: Oh yes.

Q: The time when he went to hospital? A: Yes, I know that he had a motor cycle.

(Cont'd)

Q: You know that he had a motor cycle accident? (No answer).

HIS LORDSHIP: Just a minute. Has she answered?

DEFENCE COUNSEL: Yes, my lord.

20 HIS LORDSHIP: You see, Mr. Douglas, you asked her if she knew he was a motor cyclist and she said yes, and then you asked her if she knew he had an accident. Do you know if he had an accident? A: I don't know of that, sir, because at that time he wasn't living there.

DEFENCE COUNSEL: You know he had a motor cycle?
A: Yes, sir.

Q: This you say was the time when he went to hospital? A: When he went to the hospital it wasn't a motor cycle accident; he was sick, sir.

30 Q: I asked you, Mrs. Reid, if when he went to the hospital if he had a motor cycle? A: No, sir, he didn't have a motor cycle that time when I know he went to hospital.

Q: When did he have this motor cycle? A: I don't remember the year but is long before he went to hospital.

Q: Before he went to hospital? A: Yes, sir.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 3
Veronica Reid
Cross-
examination

Q: You say when he had the motor cycle he wasn't living there? A: No, sir, and when he went to hospital he wasn't living there either.

HIS LORDSHIP: When you say there you mean Belfield? A: At Belfield, sir. When he went to hospital the last time he was living at his mother's home.

HIS LORDSHIP: When you say there, he was not living there, what you mean? A: At me home, sir.

HIS LORDSHIP: At your house? A: Yes, sir. 10

HIS LORDSHIP: But he was living at Belfield? A: Yes, sir.

(Cont'd)

DEFENCE COUNSEL: No further questions.

Re-
examination

VERONICA REID RE-EXAMINED BY CROWN COUNSEL:

Q: You say he was upset from the 17th - the day the chairs were taken away? A: Yes, sir.

Q: Do you know why he was upset? A: Because they had the fuss.

Q: Did he tell you why he was upset? A: No sir, but I know he was vexed. 20

Q: And you say they had a fuss? A: Yes, sir.

EUNICE McNAIR

EUNICE McNAIR, SWORN, EXAMINED BY CROWN COUNSEL:

Prosecution
Evidence

No. 4
Eunice McNair
Examination

Q: What is your name? A: Eunice McNair.

Q: What work do you do? A: I am a domestic
worker.

Q: And where do you live? A: At Belfield Works.

Q: Was Joyce McNair your sister? A: Yes.

Q: Now, you know the accused? A: Yes.

10 Q: Was Joyce living with the accused for sometime?
A: Yes.

Q: And did she come to live where you were? A:
Yes, after a quarrel.

DEFENCE COUNSEL: My lord, I object to that evidence.
I don't know how she knows about that.

HIS LORDSHIP: Alright, I don't know if there is any
dispute about that anyhow.

CROWN COUNSEL: When was it she came to live where
you were? A: The 15th.

20 Q: Of what? A: April.

Q: This year? A: Yes.

Q: On the 21st did you go anywhere with her? A:
Yes.

Q: Where? A: She come and call me.

Q: Where did you go with her? A: I go to her home
to move a bed; where she was living.

Q: When you went was the accused there? A: I never
go down to his room where he was.

30 Q: Well, did you see him while you were there? A:
Yes, while I was talking to Mrs. Reid.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 4
Eunice McNair
Examination

HIS LORDSHIP: Anyhow, you went with her to move her bed but you didn't go down to the room where she lived? A: No, sir.

Q: Where were you? Inside the house or outside.

A: I was standing at the front of Mrs. Reid verandah, before you reach down to his room.

Q: And where was Joyce when you were standing out there? A: Joyce was down at Glasford's door.

Q: Down at the accused door? A: Yes.

HIS LORDSHIP: Could you see her? A: No.

10

(Cont'd)

HIS LORDSHIP: But she had gone down towards the room? A: Yes.

Q: While you were out there you say you were speaking to Mrs. Reid? A: Yes.

Q: While you were speaking to Mrs. Reid did the accused come out there? A: Yes, sir.

Q: And did he say anything to you? A: While I was there talking to Mrs. Reid I used the word boy.

Q: Did he say anything to you? A: Yes.

Q: What he said? A: I used a word 'boy', and he come up to me and say, "Who you calling boy?"

20

Q: Yes? A: And he hit me in me chest to the ground.

HIS LORDSHIP: Hit you in your chest to the ground? Is that what you say? A: Yes, sir. I fell to the ground.

Q: What was your condition at the time? A: I was pregnant, sir.

Q: What happened after he hit you? A: He ran down to his room and brought up a cutlass.

30

Q: Tell me, after he hit you to the ground did you do anything? A: No, I get up and stand up.

Q: You say he brought back a cutlass? A: Yes, sir.

Q: When he came back with the cutlass did you see Joyce? A: I never saw her at the same time.

In the St. Mary
Circuit Court

Q: Did you see her afterwards? A: When he hit me with the cutlass.

Prosecution
Evidence

Q: Did he hit you with the cutlass? A: Yes, sir.

No. 4
Eunice McNair
Examination

Q: Where? A: Across me chest, sir.

Q: And then you say you saw Joyce? A: Yes, sir.

10 Q: Where was she then? A: Joyce run from down of his room - from down towards his room, and come up towards me.

Q: Come towards you? A: Yes, me and Phillips.

(Cont'd)

Q: What happened after Joyce came? A: He hit Joyce with the cutlass across her chest too.

Q: How many times he hit you? A: Twice.

Q: How many times he hit Joyce? A: I saw when he hit her once across the chest.

20 Q: And what happened after that - after he hit Joyce? A: Mrs. Reid came down and hold him and Joyce ran up on the verandah and Mrs. Reid was on the verandah, and Joyce stand behind Mrs. Reid.

HIS LORDSHIP: Just a minute. Mrs. Reid came down and held who? A: Held Glasford's hand.

Q: And what you say Joyce did? A: Joyce run up on the verandah - Mrs. Reid verandah.

Q: What did Mrs. Reid do after she held his hand? (No answer).

Q: Which hand she held? A: The left hand with the cutlass.

30 Q: What happened? A: Joyce was behind Mrs. Reid crying.

Q: What happened about the cutlass? A: Him still have it in him hand but Mrs. Reid hold the hand with the cutlass.

In the St. Mary
Circuit Court

Prosecution
Evidence

No. 4
Eunice McNair
Examination

Q: Anybody get away the cutlass? A: No.

Q: What happened? A: I was standing outside and him run after me and I took up a stone and flung it after him.

Q: You say he came at you with the machete?

A: Yes, sir.

Q: And what? A: And he hold it after me neck.

Q: And what? A: And said, I out fe one a oonu rass cloth. You know I will kill you!

Q: What you said about a stone? A: I took up a stone and throw it after him. 10

(Cont'd)

Q: It caught him? A: It never hit him.

Q: What happened after that? A: After he came to me with the cutlass at me neck, and after that Mrs. Reid hold on to the hand again, after him point the cutlass at me neck.

Q: You say after he pointed the cutlass at your neck she held his hand again? A: Yes, sir.

HIS LORDSHIP: You say he pointed the cutlass at your neck and then said those words? A: Yes, sir. 20

Q: And you say Mrs. Reid held his hand again?
A: Yes, sir.

Q: What happened that time? A: We came off the verandah now and went to the station.

Q: When you were coming off the verandah where was the accused? A: Mrs. Reid took him away to the other side of the verandah.

Q: And where was the machete? A: Mrs. Reid took it away. 30

Q: Before you left did either you or Joyce say anything? A: No, sir.

Q: Did either of you say where you were going when you left? A: No, sir.

Q: Where did you go after you left? A: I went to the police station.

In the St. Mary
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Q: Where? A: At Belfield Hill Top.

Prosecution
Evidence

Q: Did you go anywhere else? A: No, sir.

No. 4

Q: Did you go to the doctor? A: The other day, sir.

Eunice McNair
Examination

Q: The following day? A: Yes, sir.

Q: On the 24th were you at home? A: Yes, sir.

Q: In the afternoon? A: Yes, sir.

10 Q: Did you hear anything? A: Yes, sir.

(Cont'd)

Q: And where did you go as a result of that? A: I went out the road.

Q: What you saw? A: When I look down the road I saw Glasford coming up the road before Mildred Morris with a cutlass in his hand.

Q: Mildred who? A: Mildred Morris.

Q: Who is Mildred Morris? A: Glasford mother.

Q: And you say Glasford had a cutlass in his hand?
A: Yes, sir.

20 Q: How far off was he when you saw him? A: About three and a half chains.

Q: What you did?

HIS LORDSHIP: Just a minute. I don't think we need to go into that, Mr. Wright.

CROWN COUNSEL: As your lordship pleases. Well, did you see Joyce after that? A: No, sir.

EUNICE McNAIR CROSS-EXAMINED BY DEFENCE COUNSEL:

Cross-
examination

Q: How long have you known the accused? A: Long ago now, sir.

30 Q: When you say long ago what do you mean? From you were children? A: Yes, from I was a child.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 4
Eunice McNair
Cross-
examination

Q: Both of you live in the same district? A: Yes, sir.

Q: Has he lived there all the time? A: No, sir.

Q: For periods he has left? Did he leave once or several times? A: Several times, sir.

Q: He go and come? A: Yes, sir.

Q: Did you know that the accused had a motor cycle? A: Yes, sir.

Q: Do you know of him falling off this cycle?
A: Yes, sir.

10

(Cont'd)

HIS LORDSHIP: You were there and see him fall off the cycle? A: No, sir, I heard.

HIS LORDSHIP: That is hearsay, Mr. Douglas.

Q: Did you ever see him in hospital? A: No, sir.

Q: You see cuts on his face? A: I don't remember, sir.

Q: You see scars on his face? A: Yes, sir.

Q: Now, tell me something, Eunice, there was a quarrel on the 17th? Is that correct? You were telling us about the 17th when he slapped you in the chest.

20

HIS LORDSHIP: No.

Q: What date was that? A: On the 21st, sir.

Q: I beg your pardon; that is correct. And the next time you saw him was on the 24th? A: And the next time what, sir?

Q: After the 21st when was the next time you saw him? A: On the 24th.

Q: That is three days later? A: Yes, sir.

Q: Your sister was living with you at the time?
A: Yes, sir.

30

Q: And how far from where he was living did you live? A: About $3\frac{1}{2}$ chains, sir.

DEFENCE COUNSEL: Alright, thank you.

27.

No. 5

DR. REGINALD PEAT

In the St. Mary
Circuit Court

Dr. REGINALD PEAT is sworn.

Prosecution
Evidence

No. 5

Dr. Reginald
Peat
Examination

Examined by Crown Counsel: Time 11.42 a.m.

Q: Is your name Reginald Peat, sir? A: Yes, sir.

Q: And you are a registered medical practitioner?

A: Yes, sir.

Q: And Medical Officer for Highgate? A: Yes, sir.

10 Q: Now on the 24th of April this year did you
perform a post mortem examination on the body of
Joyce McNair? A: Yes, sir.

Q: And was the body identified by Hector McNair?

A: Yes, sir.

Q: About what time was it doctor when you did
this? A: Ten minutes past four o'clock.

Q: Where was the body?

20 HIS LORDSHIP: That is in the afternoon? A: Yes,
M'Lord, ten minutes past 4 p.m. on the 24.4.67. The
body was lying in the main road near to Belfield
Works.

CROWN COUNSEL: Can you tell us of your findings
doctor? A: The body was lying face downwards on
a steep slope on the main road between Belfield and
Belfield Works. It was 5 ft. from the left bank
with the head in the direction of Belfield Works,
and the left side of the face in contact with the
road. The head was in a pool of blood 5 ft. long by
18 ins. wide.

30 HIS LORDSHIP: That is the pool? A: The pool was
5 ft. long by 18 ins. wide. The right knee also lay
in a pool of blood which divided into three streams
each 2 ins. to 3 ins. wide, and extending for a
distance of 17 ft. The left forearm was under the
body and the hand (that is the left hand) clasped
tightly a few dry bamboo leaves. In the hand were
a few dried bamboo leaves tightly clasped - there
was a bamboo tree nearby. The right arm was at

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 5
Dr. Reginald
Peat
Examination

right angles to the body like this - (indicates), and this is the forearm, this actually is the hand out here - we are inclined to call from here to here the hand but this is the hand, this the forearm and this the arm. The arm was at right angles to the body, and the forearm at right angles to the arm. The hand was completely severed, the right hand, one and a half inches above the wrist - it was completely severed except for a small pedicle of skin, a narrow bit of skin was the only thing that prevented the hand from being completely off. 10

CROWN COUNSEL: Could a machete have inflicted that doctor? A: Yes.

(Cont'd)

Q: What degree of force? A: Very heavy force.

Q: Yes? A: There was a second injury, there was an incised wound of the left hand and forearm extending from the medial aspect of the proximal phalanges of the little finger, running upwards and laterally across the palmar aspect of the wrist and forearm for a total distance of 6 ins. 20

Q: Could a machete have caused that injury doctor? A: Yes, sir.

Q: What degree of force? A: The injury is not yet completed.

Q: All right. A: Fairly forceful.

HIS LORDSHIP: Six inches long? A: Yes, M'Lord, that severing the muscles and blood vessels of the a-n-t-e-r-o-m-e-d-i-a-l - that is the front or the inner side border of the hand; it also severed the ulna bone and the ulna interior interosseous nerves and the tendons of the palmar wrist longus, a muscle, tendons of the muscles controlling movements of the fingers - flexor-digitorus sublimis flexo palm, they control movement of the fingers and wrist. 30

CROWN COUNSEL: And you say all those muscles were cut through? A: Yes, sir, but those are not very deep muscles. The force for that one would not be as great as the force for the other.

Q: Any other wounds doctor? A: There was a gaping incised wound at the back of the right knee called 40

the popliteal space, and that was 4 ins. long by 2 ins. deep, by 3 ins. wide.

In the St. Mary
Circuit Court

Q: A machete could have caused that? A: Yes, sir.

Prosecution
Evidence

No. 5

Dr. Reginald
Peat
Examination

10 Q: What degree of force? A: 4 by 2 by 3, and that one cut into both condyles of the femur and almost severed the leg right in the knee joint cutting to the bone, cut into the bone of the thigh almost severing the leg. That would have been very forceful.

Q: Any other injury doctor? A: Fourthly, there was a long, deep, incised wound which opened the skull as though it were a calabash - it just looked to me like a calabash, and this wound was 11 ins. in length, inclined slightly upwards, extending from below the right eye, passing immediately above the right ear and ending about an inch above the left occipital protuberance and it was from the beginning to end eleven inches.

(Cont'd)

20 Q: Did you say that the skull was open, gaping?
A: Yes, sir, the brain showed just like the inside white of a calabash. It cut into the brain, completely opened the skull and cut into the brain to a depth of 2½ inches.

Q: A machete could have caused that too doctor?
A: Yes, sir, and that would have been extremely forceful.

30 Q: Any other injury doctor? A: There were two incised wounds which I just grouped together because they were quite close in the back of the neck. One, two and a half inches long by one and a half inches deep, cutting through the fourth cervical vertebra and the spinal cord; the other was two and a quarter inches long by one and a half inches deep and cutting through the sixth cervical vertebra and the spinal cord.

Q: What degree of force would have been required for those two? A: Quite forceful sir, not as much as this nor that - (pointing to hand and head).

40 Q: And what was the cause of death? A: Death was due to shock arising from injury to the central nervous system, the brain and the spinal cord, and hemorrhage.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 5
Dr. Reginald
Peat
Examination

Q: This may be stated as obvious doctor, but from the injury to the spinal cord and the brain, did she have a chance of living for any time? A: No, sir, death would have been practically instantaneous.

Q: Do you remember having seen that girl before doctor? A: Yes, sir.

Q: When was that? A: On the 22nd of April.

Q: Did you treat her? A: Yes, sir.

Q: For what? A: Contusion with abrasions of the middle of the upper part of the chest, and the middle of the lateral aspect of the right leg. 10

(Cont'd)

Q: The chest injury, could that have been produced by a blow from the flat side of a machete? A: Yes, sir.

Q: Did you also treat Eunice McNair?

HIS LORDSHIP: Do we need that?

CROWN COUNSEL: All right.

Cross-
examination

CROSS-EXAMINED BY DEFENCE COUNSEL:

Q: There were I take it doctor 1, 2, 3, 4, 5 about 6 injuries on this girl, the deceased girl? A: Yes, sir. 20

Q: Each one inflicted with force? A: Yes, sir.

Q: About how many of them would you say would have been fatal doctor? A: Any one - the one to the skull definitely and either to the spinal cord, any one of these three.

Q: Would you say that any of these injuries was inflicted after death? A: Very possible, sir.

HIS LORDSHIP: Very possible, what doctor? A: This one sir, the one to the skull was sort of superfluous as it were. 30

Q: No, no, is it possible for which one to have been inflicted after death? A: Any one to the neck or the skull could have been inflicted say

31.

immediately after her death or while death was taking place.

DEFENCE COUNSEL: Thank you.

(No re-examination).

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 5
Dr. Reginald
Peat
Cross-
examination

(Cont'd)

32.

33.

No. 6

HECTOR McNAIR

In the St. Mary
Circuit Court

HECTOR McNAIR is sworn. 12.00.noon

Prosecution
Evidence
No. 6
Hector McNair
Examination

Examined by Crown Counsel:

- Q: Is your name Hector McNair? A: Yes, sir.
- Q: Where do you live? A: Belfield Works sir.
- Q: Was the deceased your daughter? A: Yes, sir.
- Q: How old was she at the time of her death?
A: Twenty-three sir.
- 10 Q: And on the 24th of April this year you got
certain information? A: Yes, sir.
- Q: Where did you go as a result? A: Go to the
deceased.
- Q: Where did you go? A: I went...somebody called
me sir and I went...
- Q: Where did you go after you got the information?
A: I went to the dead body of my daughter.
- Q: Where? A: At Belfield Works.
- Q: Where? A: On the road, sir.
- 20 Q: Later on that same day did you identify the body
to Dr. Peat? A: Yes, sir.
- Q: And he examined it? A: Yes, sir.

(No cross-examination by Defence Counsel)

34.

35.

No. 7

In the St. Mary
Circuit Court

JOYCE TUCKER

JOYCE TUCKER is sworn.

12.03.p.m.

Prosecution
Evidence
No. 7
Joyce Tucker
Examination

Examined by Crown Counsel:

Q: Now, is your name Joyce Tucker? A: Yes, sir.

Q: What work do you do? A: Dressmaking.

Q: Where do you live? A: Belfield Line.

HIS LORDSHIP: What is Belfield Line? A: It is just a little district.

10 Q: And you have Belfield Works? A: Yes, sir.

Q: The railway line passes there? A: No, sir.

CROWN COUNSEL: Did you know Joyce McNair? A: Yes, sir.

Q: Do you remember the 24th of April? A: Yes, sir.

Q: Did you go to her home? A: No, I was coming from the clinic.

Q: With what? A: My baby.

Q: You were going home? A: Yes, sir.

20 Q: Did you see her? A: No, I called to Eunice McNair and Joyce McNair came out to me.

HIS LORDSHIP: You had to pass where Joyce was living? A: Yes, sir.

CROWN COUNSEL: Did Joyce accompany you? A: Yes, sir.

Q: About how far from your gate did she go? A: About 14 chains.

Q: Now while you were going along with Joyce did you see the accused? A: Yes.

30 Q: Where? A: I saw he and two other chaps sat down on a shop piazza facing both of us.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 7
Joyce Tucker
Examination

Q: Then did you pass the shop piazza? A: Yes, sir.

Q: You and Joyce? A: Yes.

Q: Do you know Meva Arthurs? A: Yes, sir.

Q: And do you know the accused's mother? A: Yes, sir.

Q: What is her name? A: Mildred.

Q: Did you meet the accused's mother? A: After Joyce turned back I went down my mother-in-law's home and on returning up back I saw the accused's mother came out of the shop with Glasford Phillips. 10

(Cont'd)

Q: Did you see Meva Arthurs? A: She was accompanying Mildred.

Q: When you saw the accused on the shop piazza did you notice if he had anything? A: No.

HIS LORDSHIP: What that means, he didn't have anything or you didn't see whether he had anything?
A: I didn't see whether he had anything or not.

CROWN COUNSEL: When his mother came out of the shop did you notice if she had anything? A: Yes. 20

Q: What did she have? A: She had a basket on her head and a cutlass at her hand.

Q: And in what direction did she go? A: She go in the direction where Joyce McNair turn.

Q: You say Joyce had accompanied you for 14 chains? A: Yes, sir.

Q: And then she turned back? A: Yes, sir.

Q: And you went down where? A: To my mother-in-law's home.

HIS LORDSHIP: When you saw the accused at the shop Joyce was with you still? A: Yes, sir. 30

Q: And when you saw his mother was Joyce with you still? A: No, sir.

Q: I see, she had turned back already? A: Yes, sir.

In the St. Mary
Circuit Court

CROWN COUNSEL: Where you said you saw Meva? A: She was with Mildred.

Prosecution
Evidence
No. 7
Joyce Tucker
Examination

Q: Well, so did the both of them go in the same direction that Joyce had gone? A: Yes, sir.

Q: Now after they left, that is Mildred and Meva, did you notice whether the accused did anything?
A: No, I never saw the accused.

10 Q: When they were leaving was he still on the shop piazza? A: No, I never saw him there.

Q: You did not see him when the mother was leaving the shop? A: No.

(Cont'd)

HIS LORDSHIP: Was it the same shop where he was sitting on the piazza that the mother came out of and left from? A: Yes, sir.

CROWN COUNSEL: And you did not see him at that time? A: No, sir.

20 Q: Did you hear anything after that? A: After I left, going up to turn off to my home I heard a crying.

Q: Coming from what direction? A: Where Joyce McNair turned.

Q: What did you do? A: I turned back.

Q: You turned back from your home? A: From where I was going, going towards where Joyce McNair was.

Q: Did you see Joyce? A: Yes.

Q: Where? A: When I went up I saw her lying on the ground bleeding.

30 Q: Anybody else there? A: No, sir.

HIS LORDSHIP: Nobody else there at all? A: No, sir.

Q: Not a soul else? A: Only people running.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 7
Joyce Tucker
Examination
Cross-
examination

Q: You first got there or others were there before you? A: I met others coming from where she was.

CROWN COUNSEL: Did you see the accused? A: No, sir.

CROSS-EXAMINED BY DEFENCE COUNSEL:

Q: Now tell me something, where the accused was sitting there was a bar there wasn't it? A: Yes, sir.

Q: Rum bar? A: Yes, sir.

10

(Cont'd)

Q: There were other men sitting there also? A: Two men besides the accused.

Q: Now you had to pass this shop to reach to your home? A: Yes, sir.

Q: And Joyce turned back before she got as far as your home? A: Yes.

Q: Did you turn back too? A: Yes, sir.

Q: She walked with you and you walked back with her? A: No.

Q: She was carrying the baby for you? A: Yes, sir.

20

Q: When she turned back she handed you the baby? A: Yes, sir.

Q: And did you turn back with her? A: No, sir.

Q: Then how you come back to the shop? Did you come back to the shop? A: After she turned back and I left my mother-in-law's home I went to the postal agency.

Q: You went back, pass the shop? A: No, I didn't pass the shop.

30

Q: You saw the accused's mother coming out of the shop? A: Yes, sir.

Q: When did you see the accused's mother coming out of the shop? A: After I was at the postal agency.

Q: You can see the shop from the postal agency?

A: Yes, sir.

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HIS LORDSHIP: Q: At that time the deceased Joyce had gone already? A: Yes, sir.

Prosecution
Evidence

Q: Could you still see her at that time? A: No, sir.

No. 7
Joyce Tucker
Cross-
examination

DEFENCE COUNSEL: At that time the accused was not sitting on the piazza? A: No, I didn't see him.

10 Q: Could you see into the bar from where you were?
A: No, the bar was locked.

Q: What time of the day this was? A: About 1.30.

(Cont'd)

Q: And there were men hanging around this locked bar? A: No, they were sitting at the grocery, outside.

Q: Now the accused's mother you say had a machete?
A: Yes, sir.

Q: This little girl Meva Arthurs, she was with the accused's mother? A: Yes, sir.

20 Q: When you say little girl what do you mean?

HIS LORDSHIP: You put the word little girl into her mouth and then ask her what she meant?

DEFENCE COUNSEL: How old is this Meva? A: I don't know.

Q: Big girl or little girl? A: Big.

Q: Were there a lot of people around? A: Yes.

HIS LORDSHIP: Around where?

DEFENCE COUNSEL: The postal agency? A: No, sir.

Q: About the shop? A: No.

30 Q: Not plenty people? A: No, sir.

Q: About how many people would you say? A: I only saw about three, besides the three men that

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 7
Joyce Tucker
Cross-
examination

were sitting there.

Q: About 6 people? A: Yes, sir.

Q: Where you saw the body are there any houses there? A: Yes, sir.

Q: Near to the road? A: Yes, sir.

Q: People live in those houses? A: Yes, sir.

Q: If you stood at the shop could you see the dead body? A: No, sir.

(Cont'd) Q: About how many people were at the body when you got there? A: Well when I went up those who were coming down turned back with me. 10

Q: Coming down? A: From the dead body.

Q: So people were coming down from the dead body? A: Yes, sir.

Q: You heard a cry? A: Yes, sir.

Q: And how long did it take you to reach the body after you heard the cry? A: About five minutes.

Q: About how far away you heard this cry? A: About 10 chains. 20

Q: And you went immediately? A: After I heard the cry.

Q: And it took you five minutes to do 10 chains? A: I was running with the baby.

Q: And it took you five minutes to do 10 chains? A: Yes, sir.

Q: Because you were running? A: Yes, sir.

Q: All right, thank you.

(No re-examination by Crown Counsel.)

DEFENCE COUNSEL: May I M'Lord just ask just one more question? 30

HIS LORDSHIP: Go ahead.

41.

DEFENCE COUNSEL: Did you know the accused long ago? A: Yes, sir.

Q: Were you children together from you were a child? A: No, sir.

Q: About how long would you say you have known him? A: About three years now.

Time 12.17 p.m.

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Circuit Court

Prosecution
Evidence
No. 7
Joyce Tucker
Cross-
examination

(Cont'd)

42.

43.

No. 8

In the St. Mary
Circuit Court

MEVA ARTHURS

MEVA ARTHURS, SWORN, EXAMINED BY CROWN COUNSEL:

Prosecution
Evidence

No. 8

Meva Arthurs
Examination

HIS LORDSHIP: Just a minute; how old are you?

A: Sixteen, sir.

HIS LORDSHIP: Yes, go a-head.

Q: Is your name Meva Arthurs? A: Yes, sir.

Q: And what work do you do? A: I go to field
sir.

10 Q: You work with somebody? A: Yes, sir.

Q: Whom? A: Miss Mildred Robinson, sir.

Q: Is she related to the accused? A: Yes, it is
his mother.

Q: How long you been working with Miss Mildred?
A: Five months now.

Q: On the 24th of April this year did you go any-
where with Miss Mildred? A: Yes, sir.

Q: Where? A: To the field.

Q: Where that field is? A: Over Richard Piece.

20 Q: When you were going to the field Miss Mildred
carry anything? A: Yes, sir.

Q: What? A: A cutlass and a basket.

Q: When you were coming back from the field about
what time that was? A: 2 o'clock.

Q: Who was carrying the basket. A: Miss Mildred.

Q: And who carry the machete? A: She, Miss Mildred.

Q: Now, did you see the accused when you were coming
back? A: Yes, sir.

30 Q: Where you saw him? A: He was standing on the
left and Joyce McNair was standing on the right.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 8
Meva Arthurs
Examination

Q: Where?

HIS LORDSHIP: Just a minute. He was standing on the left of the road? A: Yes, sir.

HIS LORDSHIP: AND WHO was on the right? A: Joyce McNair was standing on the right.

Q: At that time did you see Miss Mildred? A: Yes, sir.

Q: Where she was? A: She was coming from field.

HIS LORDSHIP: You were with Miss Mildred at that time? A: Yes, sir.

10

(Cont'd)

Q: Who was in front? Or the two of you going together? A: Miss Mildred was in front.

Q: And you say she had the basket and the machete? A: Yes, sir.

Q: Did she reach up to where Joyce and the accused were standing? A: Yes, sir.

Q: How far behind Miss Mildred were you? A: I was like from here to there sir.

Q: Very near? A: Yes, sir.

Q: From where you are standing to where? A: To the gentleman.

20

Q: This gentleman - the Corporal? A: Yes, sir.

Q: When you came up to where the accused and Joyce were what were they doing? A: They were talking, sir.

Q: What happened when you came up? A: When I came up Miss Mildred say to Glasford - she ask Glasford if he change the money and he say no and she say must...

HIS LORDSHIP: Just a minute: who is Glasford? A: The prisoner, sir.

30

HIS LORDSHIP: She said what? A: If he change the money and he said no.

Q: What happened after that? A: She say him must give it to her.

In the St. Mary
Circuit Court

Q: And he gave it to her? A: Yes, sir.

Q: What happened after that? A: And she go up to Joyce McNair and say why she don't leave Glasford and Joyce McNair say to her, "don't come up in my face and talk".

Prosecution
Evidence
No. 8
Meva Arthurs
Examination

Q: How near Miss Mildred went up to Joyce? A: From me to the Corporal, sir.

10 Q: After Joyce said, "Don't come up to me and speak", what happened? A: Miss Mildred was talking to Joyce McNair say why she don't leave Glasford and Joyce McNair said the spit fly in her face.

(Cont'd)

Q: Joyce say the spit fly in her face? A: Yes, sir.

Q: Yes, what happened after that? A: And when Miss Mildred turn her back Joyce McNair spat at her and it didn't catch her.

20 HIS LORDSHIP: Miss Mildred turned her back? A: Yes, sir.

HIS LORDSHIP: And what? A: And Joyce McNair spit at her.

HIS LORDSHIP: But it didn't catch her? A: No, sir.

Q: What next happened? A: And same time when she turn her back Glasford drag away the cutlass from her.

Q: How was she carrying it? In what position she had it? A: In her right hand.

30 Q: You say he dragged away the machete from her? A: Yes, sir.

Q: What happened after he dragged the machete from her? A: And he began to chop Joyce McNair and she run off and she drop with her right hand chop off.

HIS LORDSHIP: She ran off and what? A: She fell on the ground with her right hand chop off.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 8
Meva Arthurs
Examination

Q: What happened after she fell? A: And him go over her and bend down and chop her again.

Q: Look at that machete. What you say? A: Is this one.

Q: That machete? A: Yes, sir.

CROWN COUNSEL: I tender it as exhibit 1, my lord.

HIS LORDSHIP: Yes. Show it to the jury.

(Machete shown to jury).

Q: What happened after he chopped her? A: I went down the road was crying.

Q: You went down the road crying? A: Yes, sir.

Q: You see what he did? A: Glasford, sir?

Q: Yes, the accused. A: Yes, sir.

Q: What he did? A: He go away. He go up the road and walk through his aunt yard.

Q: Did you see what happened to the machete after he chopped her? A: He go down bottom and throw it down the bottom.

Q: Down the bottom? A: Yes, sir; past the yard.

Q: Past whose yard? A: His aunt.

Q: Past his aunt yard and throw it down the bottom? A: Yes, sir.

Q: The bottom of what? A: The bush.

HIS LORDSHIP: Did you see him throwing it away?
A: Yes, sir.

Q: Let me get it clear now. You say Miss Mildred turned her back, Joyce spat at her, it didn't catch her and he dragged the machete from Miss Mildred?
A: Yes, sir.

Q: After he dragged the machete from Miss Mildred did he say anything? A: He said to Joyce McNair, "What you spit on Mum for".

(Cont'd)

10

20

30

Q: Is that what he calls his mother, Mum? A: Yes, sir.

In the St. Mary
Circuit Court

Q: And what happened after he said that? A: He go up to the girl and began to chop her.

Prosecution
Evidence

Q: Did she have anything with her? A: Joyce McNair?

No. 8
Meva Arthurs
Examination

Q: Yes. A: No, sir.

Q: Did she do him anything? A: No, sir.

Q: Did she say anything to him? A: No, sir.

10 Q: Did you hear what they were talking about when you came up? A: No, sir.

(Cont'd)

MEVA ARTHURS CROSS-EXAMINED BY DEFENCE COUNSEL:

Cross-
examination

Q: So Meva, all that Joyce did was spit at the accused's mother? A: Yes, sir.

Q: The mother didn't complain? A: No, sir.

HIS LORDSHIP: You say her back was turned? A: Yes, sir.

Q: And then the accused started to chop at Joyce? A: Yes, sir.

20 Q: When she fell down did he chop her again? A: Yes, sir.

Q: And he kept on chopping? A: Yes, sir.

Q: What happened? You ran? A: Yes, sir.

Q: Which way did you run? A: Down Belfield.

Q: You ran as fast as you could run? A: Yes, sir.

Q: Then Meva, how could you see where the accused went, if you were running? A: I turn back and come up.

30 Q: After you ran when did you stop? A: I stop right at Mr. Ferdie breadfruit tree.

Q: That's about how far from where Joyce was?

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 8
Meva Arthurs
Cross-
examination

A: About 3 chains, sir.

Q: What made you turn back? A: I did have a basin and a cutlass in my hand.

Q: Where was this basin and this cutlass? A: I did put it down where he kill the girl.

Q: What made you turn back? You haven't told us yet? A: Sir?

Q: What made you turn back after three chains?
A: I come back to take up the food to go up the yard.

10

(Cont'd)

Q: You went back to take up the food? A: Yes, sir.

Q: When you got back were there other people there? A: No, sir.

Q: Nobody else was there? A: No, sir.

Q: Where was Glasford's mother? A: She was bawling and calling her sister.

Q: She was standing up there calling out? A: Yes, sir, she was walking and bawling.

Q: How far is Glasford's auntie's yard from where Joyce was chopped? A: About four chains. 20

Q: Is this in the direction that you were running?
A: No, sir.

Q: Not in that direction? A: No, sir.

HIS LORDSHIP: What did you do? You turned back or you ran past and go on? A: I run down the road.

HIS LORDSHIP: Back where you were coming from?
A: Yes, sir.

Q: Then you went back to the place? A: Yes, sir. 30

Q: But weren't you afraid why you ran? A: Sir?

Q: Why you ran? Weren't you afraid? A: Yes, sir.

Q: Then why you turn back? A: I turn back to pick up the food; that time Glasford gone.

In the St. Mary
Circuit Court

Q: When you stopped running he had gone? A: Glasford?

Prosecution
Evidence

Q: When you turned back Glasford had gone? A: Yes, sir.

No. 8
Meva Arthurs
Cross-
examination

Q: You see, I am suggesting you didn't see him after you turned back? A: No, sir.

Q: You didn't see him? A: No, sir.

10 Q: Then you didn't see him while you were running?
A: No, sir.

HIS LORDSHIP: So you didn't see him throw away the cutlass then? Did you? A: No, sir.

(Cont'd)

DEFENCE COUNSEL: Alright.

MEVA ARTHURS RE-EXAMINED BY CROWN COUNSEL:

Re-
examination

Q: Did you see the cutlass again? A: No, sir.

HAZEL VASSELL

In the St. Mary
Circuit Court

HAZEL VASSELL, SWORN, EXAMINED BY CROWN COUNSEL:

Prosecution
Evidence

No. 9

Hazel Vassell
Examination

Q: Is your name Hazel Vassell? A: Yes, sir.

Q: What work do you do? A: Housewife.

Q: Where do you live? A: Belfield Line.

Q: Did you know Joyce McNair? A: Yes, sir.

Q: You know the accused? A: Yes, sir.

10 Q: On the 24th of April this year did you see
Joyce? A: Yes, sir.

Q: And did you see the accused? A: Yes, sir.

Q: At the same time? A: Yes, sir.

Q: About what hour was it? A: About 2.15 p.m.

Q: Where were they? A: They were standing along
the road talking.

Q: And where were you? A: I was coming down with
my baby from the Clinic.

HIS LORDSHIP: You were walking on the road? A:
Yes, sir.

20 Q: When you say coming down, were you coming down
a hill? A: I was coming towards where they were;
coming down to them.

Q: What I am asking is if you were coming down a
hill - down a grade? A: It was a straight; not
directly coming down a hill; straight road.

Q: Did you see anybody else out there apart from
the accused and Joyce? A: Well when they were
talking I saw his mother came up.

Q: His mother came up? A: Yes, sir.

30 HIS LORDSHIP: You were still on the road then?
A: Yes, sir.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 9
Hazel Vassell
Examination

Q: Did you see anybody else apart from the mother?
A: A little girl was there.

Q: You know Meva Arthurs? A: Yes, sir.

Q: Was that the girl? A: Yes, sir.

Q: Did the mother have anything? A: She have a
cutlass in her hand.

Q: Anything else? A: And she went up to the
girl.

Q: Did the mother have anything else? A: No,
sir.

10

(Cont'd)

Q: How far away were you from where they were?

A: I was about $3\frac{1}{2}$ chains at first when I saw
them, when they were talking.

Q: And then when the mother came up to where they
were how far were you? A: Well, at the same time
I saw the mother came up.

Q: What you say the mother did? A: She came up
at the same time when they were talking.

Q: Yes, and what happened after the mother came
up? A: She speak to the boy.

20

Q: That is the accused? A: Yes, sir.

HIS LORDSHIP: You call him a boy? Isn't he a man?
A: Yes, sir.

HIS LORDSHIP: You are a woman? A: Yes, sir.

HIS LORDSHIP: Would you like anybody to call you
a girl? If he is a man call him a man. Yes, you
saw her speak to her son? A: Yes, sir.

Q: And then what happened after that? A: I
heard the girl say to his mother, "Don't call my
name".

30

HIS LORDSHIP: Who you call the girl? A: Joyce
McNair.

Q: Joyce said to the accused's mother, "Don't
call my name"? A: Yes, sir.

Q: Where was the accused's mother at that time?

A: Well, when she say that to her she went up to her.

In the St. Mary
Circuit Court

Q: Who went up to who? A: The lady went up to the girl - went up to Joyce McNair with a cutlass in her hand.

Prosecution
Evidence
No. 9
Hazel Vassell
Examination

Q: The mother had the cutlass in her hand? A: Yes, sir, and she went up to Joyce McNair.

10 Q: And Joyce said, "don't call me name"? A: Yes, sir.

Q: How near to Joyce did the mother go? A: She went right up to her.

(Cont'd)

Q: What next happened? A: The accused take the cutlass from his mother and gave her about three chops.

Q: Gave who? A: Joyce McNair, sir.

Q: How far away were you at that time? A: I was about one chain.

20 Q: You say he gave Joyce about three chops? A: Yes, sir.

Q: Was Joyce standing at the same spot? A: She fell on the ground as he gave her the three chops.

Q: What I am asking is, did she remain one place and get the three chops or she moved off? A: She just turn and fell same time.

Q: What happened after she fell? A: I started to cry.

30 Q: Did you notice if she got any more chops after she fell? A: I saw he was still chopping her but I really never know how many chops afterwards.

Q: And then what happened after that? A: I make hasty steps to see if I could pass.

Q: Then what? Did you pass? A: As I reach where the girl fell I saw he take the cutlass and chop across her neck.

Q: And then what happened after that? A: I run

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 9
Hazel Vassell
Examination

Cross-
examination

(Cont'd)

off and say, "Lord Jesus! him kill her".

Q: Where was the mother at that time? A: Well, at that time - is that time she just walk off and say, "Glasford, is you do this".

Q: The mother walked off? A: Yes, sir.

HAZEL VASSELL CROSS-EXAMINED BY DEFENCE COUNSEL:

Q: You say you were 3½ chains from them when you first saw them? A: About, sir.

Q: And all the mother had in her hand was a machete? A: Yes, sir. 10

Q: Meva had anything? A: She have a basket on her head.

Q: Meva had a basket on her head? A: Yes, sir.

Q: And that is all she had? A: Yes, sir.

Q: Now what did Meva do when all this was happening? A: After him finish - at the same time when I reach where they were, where him kill the girl, same time she throw down the basket and ran down the road.

Q: When he was finished she threw down the basket and ran? A: Yes, sir. 20

Q: You kept coming nearer - is that right - to them? To Glasford and his mother and Joyce? You were coming nearer whilst they were there? A: Yes, sir.

Q: Is that right? I didn't hear your answer. A: I was coming straight down for is that direction I was going.

Q: You came towards them? A: Yes, sir.

Q: How far off were you when this chopping started? A: About one chain. 30

Q: But you kept coming closer? A: Yes, sir.

Q: You didn't feel afraid? A: Yes, sir, I was afraid.

Q: You didn't see Joyce do anything to the accused? A: No, sir.

In the St. Mary
Circuit Court

Q: And she hadn't done anything to the accused when he was chopping her? A: No, sir.

Prosecution
Evidence

Q: You didn't say to yourself this man must be mad? A: No, sir.

No. 9
Hazel Vassell
Cross-
examination

Q: Did you feel that something was wrong?

CROWN COUNSEL: My lord, what relevance does this have? My objection is that what she felt isn't relevant.

10

HIS LORDSHIP: Quite correct.

DEFENCE COUNSEL: As your lordship pleases. You didn't feel afraid of him? A: Yes, sir.

(Cont'd)

Q: And you kept going nearer? A: Is that direction I was going, sir.

Q: So you didn't think you should stop? A: I never have anywhere to turn.

Q: You couldn't turn back? A: I never have any where to turn.

20 Q: You couldn't turn back? You see a man in the road with a machete chopping up somebody and you say because I am going that direction I must keep going? (No answer).

Q: Are you sure you were there? A: Yes, sir.

Q: Now, you say he gave her three chops before she fell. Where were these chops? A: I really don't know the direct place.

Q: You weren't looking? A: I was looking and that is why I saw when he gave her about three chops.

30 Q: Where he gave her these three chops? A: I wasn't near to that that I could see the direct place that he gave her the chops.

Q: But you were just a chain from them? A: I say about; it could be more.

In the St. Mary
Circuit Court

Prosecution
Evidence
No. 9
Hazel Vassell
Cross-
examination

Q: You were just about a chain from them? Now, how many chops you say she got on the ground? You don't know? A: No, sir.

Q: You stood there after the chopping or did you run? A: Well, is when I reach where she fell as I saw when he chop across her neck I ran down.

Q: You decided to run down the road? A: I ran off.

Q: So you were right over them when he chopped her on the neck? A: No, I wasn't over them. I was coming down. 10

(Cont'd)

Q: That is when you reached up to them? When you say up to them what you mean? A: I was walking along, going down to where they were.

Q: That is what you mean by up to them? (No answer).

DEFENCE COUNSEL: Alright. Nothing more, my lord.

CROWN COUNSEL: My lord, is this a convenient time?

HIS LORDSHIP: Yes, Thank you, madam.

12.51 p.m. - COURT ADJOURN.

Court resumes. Jury roll call answered.
Prisoner in the dock.

In the St. Mary
Circuit Court

No.10

ROSE WILLIAMS

ROSE WILLIAMS is sworn

Prosecution
Evidence
No.10
Rose Williams
Examination

Examined by Crown Counsel:

- Q: Madam what is your name? A: Rose Williams.
- Q: Now please speak up loudly for me. A: Rose Williams
- 10 Q: Mrs. Williams? A: Yes.
- Q: What work do you do? A: Home work.
- Q: Where do you live? A: Belfield.
- Q: Do you know the accused? A: Yes.
- Q: How long have you known him? A: I know him from a little boy.
- Q: From he was a little boy? A: Yes.
- Q: Now have you got a son? A: Yes, sir.
- Q: What they call him, Barber? A: Yes, sir.
- Q: What they call your son? A: Barber.
- 20 Q: On the 24th of April did you see the accused?
A: Yes, sir.
- Q: About what time? A: About 2.30.
- Q: In the morning or in the afternoon? A: Afternoon two-thirty.
- Q: Where were you at that time? A: At my yard laying down.
- Q: How you get to see him? A: Me hear the dog barking round the fence and I look and see him coming.

In the St. Mary
Circuit Court

Prosecution
Evidence
No.10
Rose Williams
Examination

Q: Where did he come to? A: Him come right in the yard.

Q: Did he say anything to you? A: Yes, sir.

Q: What he said to you? A: 'Where is Barber'?

Q: Anything else? A: I said to him say Barber is not here him carry the girl friend go to the factory.

Q: Did he say anything else? A: No him never say anything.

Q: Did he say anything else? A: Him stand up and me say what you want Barber for, and him say him want Barber to carry him a station. I say to him say Barber is not here. I said 'fi what' and him say to me say him kill Tezie - the child Joyce McNair we call her Tezie. 10

Q: Did you notice his clothes? A: Yes.

Q: What was the condition of it? A: I don't see him blood up, but I see him 'dappy-dappy'.

Q: What you mean by 'dappy-dappy', blood spots? A: Yes, sir. 20

Q: What happened after that, did he go away? A: Yes he go away, him don't say anything more, him go away.

Q: Only that? A: He go away, right away.

Q: Did you go anywhere after that? A: No, sir, I never leave.

Q: Has he ever worked for you? A: Yes

Q: As what? A: Chauffeur, drive.

Q: When was that? A: Up to the week before him go out with my son driving. 30

Q: Driving what? A: Car.

Q: How long you know him to be driving? A: Long time now.

(Cont'd)

Q: How long? A: About 3 years now.

In the St. Mary
Circuit Court

Q: Did he have anything with him when he came to the house? A: No.

Q: How far is your house from where he lived? A: About three-quarter mile.

Prosecution
Evidence

No.10

Rose Williams
Examination

Q: And how far from your house is the police station? A: Far sir, about mile and a half; I never test it all the same but it is about a mile and a half.

10 Q: And how far your house is from the road? A: Far from the main road.

Q: The main road where the postal agency is, how far your house is from that? A: Far.

(Cont'd)

Q: About how far? A: I don't judge it but a far from the post office.

Q: I just want to get an idea, half mile or what? A: About three-quarter mile for me stay over my yard and look upon the vehicle running over the road like over there so.

20 Cross-examined by Defence Counsel:

Cross-examination

Q: You say you know the accused a long time? A: Yes, sir.

Q: Do you know if he had a motor cycle? A: Yes, I did know him have a motor cycle.

Q: About how long ago was this? A: A long time now.

Q: About 6 years? A: Me never check on it.

Q: Have you ever seen some scars on his face? A: Yes, sir.

30 Q: How long now? A: Long time now.

Q: About 6 years? A: About that time, sir.

Q: He was not living in the district all the time? A: Yes, sir.

In the St. Mary
Circuit Court

Prosecution
Evidence
No.10
Rose Williams
Cross-
examination

Q: The accused, he live in the district all the time? A: Oh, no, sometimes he go away.

Q: When last you saw this motor cycle? A: For this long time I don't see it, sir.

Q: All right.

(No re-examination by Crown Counsel).

(Cont'd)

OLIVER JOHNSON

Constable OLIVER JOHNSON is sworn

Prosecution
Evidence

(Examined by Crown Counsel:

No.11

Oliver Johnson
Examination

Witness: Oliver Johnson, Constable stationed at
Belfield in the parish of St. Mary.

Q: Now Constable on the 21st of April this year
did Joyce McNair make a report at the Station?
A: Yes, sir.

10 Q: To you? A: Yes, sir.

Q: About what time? A: About 7.15 sir.

Q: Did she come alone? A: No, sir, she came with
her sister Eunice McNair.

Q: Did you investigate the report? A: Yes, sir.

Q: As a result did you go anywhere? A: Yes, sir.

Q: When? A: On the 24th.

Q: Where did you go? A: Belfield Works.

Q: What part? A: At Glasford Phillips' home, sir.

20 Q: Before the 24th, but after receiving the report,
had you gone there? A: Yes, sir.

Q: When? A: The day before, sir.

Q: When? A: The 22nd.

Q: Had you seen him on the 22nd? A: No, sir.

Q: And you say you went back on the 24th? A: Yes,
sir.

Q: Did you see him on the 24th? A: Yes, sir.

Q: Well what happened on the 24th? A: I served
him two summonses sir..

Q: Did those summonses have anything to do with the

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Evidence
No.11
Oliver Johnson
Examination

(Cont'd)

- report you had received? A: Yes, sir.
- Q: What did he do after you served the summonses?
A: He read them, sir.
- Q: And? A: And he said 'I hope this is the last
time I going to court'.
- Q: What did he do with the summonses? A: He got
them in his hand; I left him in his house
there and he still had them in his hand sir.
- Q: Oh, you left him in the house? A: Yes, sir.
- Q: Well later on - about what time was it you
served him the summonses? A: About one
o'clock, sir. 10
- Q: In the afternoon? A: Yes, sir.
- Q: And later on did you hear anything? A: Yes,
sir.
- Q: And in consequence did you go anywhere?
A: Yes, sir.
- Q: Where? A: Down to Belfield Works sir.
- Q: What did you see? A: I saw the body of Joyce
McNair lying on the road. 20
- Q: Where did you go from there, did you summon
the doctor? A: Yes, sir.
- Q: Dr. Peat? A: Yes, sir.
- Q: Where did you go from there? A: I summoned
Detective Williams, sir.
- Q: Did you go anywhere? A: Yes, sir.
- Q: Where? A: To the home of Glasford Phillips'
mother, sir.
- Q: Is that where he lived? A: No, sir.
- Q: Did you see him there? A: Yes, sir. 30
- Q: How far was that from where you had seen
Joyce's body? A: About five or six chains.

Q: Well, when you approached the home, anybody spoke to you? A: Yes, sir.

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Q: Who spoke to you? A: Phillips, sir.

HIS LORDSHIP: That is the accused? A: Yes, sir.

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CROWN COUNSEL: You cautioned him before he spoke to you? A: No, sir.

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Examination

Q: Did you know he was going to speak? A: No, sir.

10 Q: What did he say? A: He was lying down on a bed sir, and he got up and said 'all right a coming with you'.

(Cont'd)

Q: What was his condition, his clothes? A: His clothes have on spots resembling blood, sir.

Q: Now after he spoke to you did you caution him? A: Yes, sir.

Q: You spoke to him? A: Yes, sir.

Q: Did he take you anywhere? A: Yes, sir.

Q: Where? A: To the back of the house where he lived.

20 Q: Is that a different house from his mother's? A: Yes, sir.

Q: And how far away from his mother's? A: About three chains, sir.

Q: He took you to the back of the house and what happened there? A: He showed me a machete.

Q: Is that the machete? - Exhibit 1 M'Lord. A: Yes, sir.

Q: Where was the machete? A: In a gutter behind the house.

30 Q: Did you notice the condition of the machete? A: Yes, sir.

Q: What you noticed about it? A: It had on stains resembling blood, sir.

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No. 11
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Examination

Q: Did you take the accused down to the police station? A: Yes, sir.

Q: And the machete? A: Yes, sir.

(No cross-examination by Defence Counsel).

(Cont'd)

ALFRED WILLIAMS

DETECTIVE CORPORAL ALFRED WILLIAMS, SWORN, EXAMINED
BY CROWN COUNSEL:

Prosecution
Evidence
No.12
Alfred Williams
Examination

Q: Is your name Alfred Williams? A: Yes, sir.

Q: Detective Corporal of Police stationed where?
A: Richmond in this parish.

10 Q: On the 24th of April this year you got certain
information? A: Yes, sir.

Q: As a result did you go to Belfield? A: Yes, sir.

Q: And on the 25th did you arrest the accused? A: Yes, sir.

Q: Charging him with murder? A: Yes, sir.

Q: You cautioned him? A: Yes, sir. He made no
statement, sir.

DEFENCE COUNSEL: No questions.

CROWN COUNSEL: That, may it please you my lord,
is the case for the prosecution.

DEFENCE COUNSEL: May it please you, my lord; Mr. Foreman and Members of the Jury, apart from the accused, the defence intends to call one witness only. The accused will make a statement from the dock.

No. 13

UNSWORN STATEMENT OF GLASFORD PHILLIPS:

My lord and Members of the Jury, I want to ask if I must explain this.

10 HIS LORDSHIP: Mr. Douglas, perhaps you had better talk to him.

DEFENCE COUNSEL: Tell them what you know about this case.

HIS LORDSHIP: If you want to ask any questions call to your learned counsel and ask him.

20 ACCUSED CONTINUES - Yes, sir. On the 24th I went down to the shop in Belfield Works at about 10 o'clock in the morning. While I was there my friends pass through with a car. They stopped at the shop and buy me a drink. I then go away with them to Islington. We were drinking continually. They left from there to Port Maria. We were drinking just the same. They leave from Port Maria....

HIS LORDSHIP: Just a minute please. I am writing down what you are saying. After Port Maria what happened?

30 ACCUSED: They left to Highgate. We stopped and had two more drinks. Then we left to Belfield Works - Central Belfield. We stopped and had another drink, sir. They were next going to Annotto Bay. While I was passing the yard where I am living I saw the Constable's car park at the gate. I ask my friend to stop let I find out what the Constable for. I went down to the yard, Mrs. Veronica and the Constable was sitting out on the outer room to the verandah. Eunice McNair was standing on the verandah. I say how-de-do to the constable and went in and sit down. The Constable say to me why you hit the girls. I said to him, 40 'Constable, that is not all. I think you have heard what has happened.'

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No.13
Unsworn Statement
of Glasford
Phillips

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Unsworn State-
ment of
Glasford
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(Cont'd)

HIS LORDSHIP: Constable what?

ACCUSED: I said to the Constable, 'Constable that is not all. I think you have heard what has happened.' He said regardless what has happened I shouldn't have hit them. He handed me two summons. I looked at them and I fold them and put them on the floor. Mrs. Veronica said to me, why I put them on the floor. I said to her, they will be of no good. She said I must took them up, I might need them in court, and she is not expecting to give the police no statement. The Constable left. I went down to my apartment. I stretch my hand over the window, I took down a shaving set, a tooth brush, and a bottle with some hair oil, and also a file. I put them on a table. I was expecting to remove from her house that said night. She came down; she did not pay no attention to nothing else....

10

HIS LORDSHIP: Who is she?

ACCUSED: Mrs. Veronica. She did not pay no attention to nothing else other than the file that she saw me with. She said to me what I am going to do with the file. I said to her nothing. She said I can go away because I have a licence to drive and I can go away and get work somewhere else. I close the door and went down to the shop. I buy a half pack of Albany cigarettes and one beer. After I finish having the beer I saw the deceased was going up the road. I walked until I got up to her. I said to her - she is called Tessie - I said to her, "Tessie, imagine I and you been going around a long time and this is what it result to. You and your sister is going to send me to prison." The deceased said to me, if it was for she alone it wouldn't have been that way but her sister, Eunice McNair, said she have got a blow in her chest and I will have to pay the penalty for it. I said to her, "I am going to give you the money for the both doctor bill and you don't worry go to the court." She said to me, she don't know if her sister will take it but I must give it to her. I said I don't have the money now, you will get it later or tomorrow. We was still walking and talking until we got around a curve. I heard my mother voice about two chains below, saying, "I am telling Glasford to leave that family if not they are going to send him to prison and now is

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just what going happen." The deceased say to me,
"Hear you mother calling me name and if she come
up here and call me name it not going end good."
I said to her, "Don't worry about that. All I
want is to give you the money for the doctor bill".
We were standing there until my mother reach up to
us. My mother said to me if I got the money
change that she ask me to change the morning. I
took it out of my pocket and hand it to her. It
10 was a cheque for £14. My mother said, "Glasford
all the while I am telling you to leave Tessie" -
the deceased is called Tessie - "and you won't
hear and now you are going to go to prison." The
deceased said to me mother, "Don't call my name in
your mouth." They both talking to each other and
advancing closer to each other. The deceased
said to my mother, "You are talking and your spit
is flying into me face and I am going to spit on
you." I get into the midst and try to force my
20 mother on. I leave the deceased and turn my
face....

HIS LORDSHIP: You got into the midst and what?

ACCUSED: I turn my back to the deceased and face
my mother, trying to force her on - to go on. The
deceased stepped up closely behind me and spit on
my mother, right across her forehead down to her
jaw. It was on the right side - from her fore-
head, on the right side. I could look on the
slime running down, coming down on her jaw. I
30 spin around quickly was to punch her with my hand,
and I receive a buck right at the right side of
my head. My head was dizzy. I did not know she
different from me mother; also my nostril was
bleeding. I remain at the spot standing up for
about two minutes. I regain a consciousness
that I could walked off. I walked up to the
yard where I am Living, at about 1½ chains from the
spot. I go through the yard and sit under a little
mango tree. Then I hear the people coming from all
40 direction and bawling my name, "Glasford kill
Tessie; Glasford kill Tessie." I got afraid. I
remove from that spot and go down into the river-
side, sir. I heard some more people saying the
same thing, "Glasford kill Tessie", and they are
going to that direction. I walk through a short
pass that I know and went up to my friend yard,
that is the boy that is called Barber. When I
went into the yard I call Mrs. Rose Williams; she

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(Cont'd)

says what has happen. I say, Where is Barber; she says he is not here. She said to me what has happened to me. I said, "Hear the people bawling that I kill Tessie." She left to the direction in which the people were going. I turn back and walk through the short pass and come to my mother yard. I went in the house and lay down on a bed. I were there until I fell asleep. I woke up quickly. I heard the people still passing and plenty cars passing, and I heard my name calling all the while. My father-in-law came in the yard and said, "Lord Jesus! what is going to happen to Glasford." I call to him and tell him whenever times he saw the police must call them and tell them that I am there. I remains there until the police come. The police took me out of the house and put me in a van and they go down the road and turn and come back to Belfield station, and from there to Richmond. Yes, sir. 10

HIS LORDSHIP: Anything further? 20

ACCUSED: My lord, I did meet accident in 1960. I was coming from Windsor Castle in Portland at about 12 o'clock on a Friday night. I have got a crash at Gray's Inn Central Factory gate. I was unconscious and taken to the hospital - Annotto Bay hospital. I never regain consciousness until about mid-day the Saturday. From thence I have been suffering with a giddiness in my head and if I happen to got a blow in my head I have got a blackout easily. That is all, sir. 30

DEFENCE COUNSEL: May it please you, my lord. The doctor was requested to come at 10 a.m. on Tuesday. I didn't know that the Crown would have finished their case so early.

HIS LORDSHIP: Is there a firm arrangement for him to come?

DEFENCE COUNSEL: Yes, my lord, at 10 o'clock tomorrow morning.

HIS LORDSHIP: That is the only other witness?

DEFENCE COUNSEL: My lord, at present I will try to 40
contact another witness as regards the injuries

HIS LORDSHIP: You have no other witnesses here?

DEFENCE COUNSEL: No, my lord.

HIS LORDSHIP: Members of the jury, it is now 3 o'clock and it is at least one hour from the normal time of adjournment, but you heard what happened. In the circumstances I am afraid we will have to adjourn at this stage until 10 o'clock tomorrow morning. I hope we will be able to start at 10. Members of the jury, I suppose you should know - perhaps you are aware of it - but I will just tell you that you are not to allow anyone to discuss this case with you. We are still a little distance from the end and perhaps you shouldn't even discuss it amongst yourselves. So just leave any question of discussion for the time being, and don't allow anyone to discuss it with you, no one at all.

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(Cont'd)

3.05 p.m. Court adjourned

72.

DR. ROBERT MAIR 13th June, 1967

In the St. Mary
Circuit Court

Court resumes. Jury roll call answered.
Prisoner in the dock.

Defence
Evidence

DR. ROBERT MAIR is sworn

No.14
Dr. Robert Mair
Examination

Examined by Defence Counsel:

Q: What is your name doctor? A: Robert Mair

Q: And you are a consultant psychiatrist? A: Yes,
at the Bellevue Hospital.

10 Q: You are a medical doctor? A: Yes.

Q: Now doctor how long have you been a consultant
psychiatrist? A: Two years.

Q: And how long have you been a psychiatrist in
all? A: 13 years.

Q: Now I believe doctor, you examined, some time
this month you examined Glasford Phillips, the
accused? A: Yes, on the 26th of May I examined
him.

20 Q: Could you tell us doctor what you found on this
examination, what sort of examination was this?
A: A psychiatric examination into his medical
conditions. As far as the examination was
concerned Glasford Phillips gave a rational
account of himself and there was nothing in my
actual examination from which I could say the
man was abnormal.

30 Q: I believe doctor, he told you certain things
about his history? A: Now he gave a history of
periods of mental abnormality. These periods
he said started since he had a head injury in
1960.

Q: Yes, doctor, now could this head injury have
resulted in amnesia? A: It could have resulted
in periods of amnesia; periods of loss of
memory; periods from which he could not
remember anything that had happened.

In the St. Mary
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Defence
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No.14
Dr. Robert Mair
Examination

(Cont'd)

Q: Now could heavy drinking do this also, this amnesia? A: Heavy drinking does cause amnesia, but it might also aggravate a tendency resulting in amnesia.

Q: In other words doctor, there is that amnesia there, but the heavy drinking would aggravate it? A: Yes.

Q: Did you see any signs of this injury that he received in 1960 to his head? A: There were scars on his forehead. 10

Q: I believe subsequent to this examination doctor, you gave an electro-encephalograph? A: An E.E.G. examination, it means putting electrodes on the skull and making a recording of the brain waves.

Q: Could you tell us doctor what was the result of this examination? A: The result was as follows: the record was abnormal. The next bit is a bit technical, there is non-specific generalised --(inaudible) in the central area with posterial parietal area..... 20

HIS LORDSHIP: Translate it for us in language that we can understand. A: His record is abnormal.

DEFENCE COUNSEL: His brain or what is abnormal.

HIS LORDSHIP: He said he had a record from this E.E.G. examination, the record was abnormal - what does that indicate, if anything? A: There is something wrong with his brain.

DEFENCE COUNSEL: Would you say, putting it clearly doctor, would you say that he suffered from an abnormality of mind? A: Yes, the psychiatric evidence would give you something of an abnormality of mind. 30

Q: And this could have resulted from this injury? A: It could be the result of the injury but these things can happen without any injury, but it could be the result of the injury.

Q: And this could have caused amnesia? A: This period of automatic behaviour or twilight 40

stage, where a person does something and cannot remember what he was doing.

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HIS LORDSHIP: For how long does the loss of memory last, forever? A: Yes, sir, it is unusual for them ever to get it back.

Defence
Evidence

No.14

Q: Just that part of his memory is blotted out altogether and he never remembers afterwards?
A: Never remembers afterwards.

Dr. Robert Mair
Examination

DEFENCE COUNSEL: Thank you.

(Cont'd)

10 Cross-examined by Crown Counsel:

Cross-
examination

Q: Doctor, in your 13 years of psychiatric practice have you come across people who have an abnormality of the mind but whose mental responsibility is still quite good?
A: Yes, sir.

Q: So that abnormality of the mind does not necessarily produce any diminishing of mental responsibility? A: No, sir.

20 Q: In the examination of the accused, did you find any clinical evidence whatsoever of intellectual impairment? A: No, sir, he looked a normal person to me.

Q: And not only did he look normal doctor, but he acted as a normal person? A: He acted as a normal person.

30 Q: What is the nature of the abnormality disclosed by the E.E.G. examination? A: There is something wrong with the function of his brain which could give rise to periods in which he was not totally aware of what he was doing.

HIS LORDSHIP: That 'could' or 'would'? A: Could make him unaware of what he was doing.

CROWN COUNSEL: But in such a case doctor, if there is in fact something wrong with his brain to the extent that it would affect his functioning, could you expect in your clinical examination to see some evidence of that, the effect it has produced on his functions? A: You would only be absolutely sure if you saw him in one of

In the St. Mary
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Evidence
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Dr. Robert Mair
Cross-
examination

these states.

Q: What I mean is this, if his brain is not functioning right, as you have disclosed from your E.E.G. examination, would you expect to find in his behaviour generally something which you could look at and say something must be wrong with his brain? A: He would have periods of abnormal behaviour which somebody would be able to observe, longer than I; I saw him for about half an hour to an hour, somebody that would be able to observe him for longer periods. 10

HIS LORDSHIP: You say he would have periods of abnormal behaviour which might be....

A: ... observed by persons who were in constant touch with him.

Q: By a person who had him under observation for a longer period of time. You say he would have or he might have? A: He might have.

CROWN COUNSEL: What I am not clear on doctor, is whether the test has been able to disclose whether the abnormality which you are speaking about is something that is just setting in or something that has progressed for some degree? A: There is no way of answering the question. The most I can say is that the test does back up the history he gives to some extent. 20

Q: And so far as the history is concerned it is his word alone? A: It is his word alone.

Q: And in that history you have found no abnormal behaviour yourself? A: I witnessed no abnormal behaviour myself. 30

Q: Now if this condition of the brain, which the test you say had disclosed, if it had gone to a far extent, what I am asking is whether your examination would have disclosed something suggesting that that condition existed before you made that test? A: If it had progressed a bit further he would have had actual epileptic seizures - it had not gone as far as that. 40

Q: How far had it gone? A: He has never had, and he may never have, I don't know if the waves

(Cont'd)

were a bit more abnormal he would have epileptic seizures.

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Circuit Court

Q: The brain waves that you have examined do not show he approached epileptic seizure? A: No, sir, and he gave no history of them either.

Defence
Evidence

Q: Now you say that amnesia is a state where the mind doesn't record anything? A: Yes, sir.

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Dr. Robert Mair
Cross-
examination

Q: That part is forever lost in your existence? A: Yes, forever lost.

10 Q: Now if a person has passed into a stage of amnesia, when he recovers would you expect his memory to be somewhat clouded, or would he recall things from the point of recovery as well as he did before the onset of the amnesia? A: You would expect them to be cloudy; there is usually clouding of consciousness after this period of amnesia.

(Cont'd)

20 Q: So then if you found that the memory was functioning as well after the alleged period of amnesia as before, is that a factor against there being any amnesia? A: Yes, sir.

30 Q: Now in your examination of him doctor, did he tell you anything about the killing of this girl Joyce McNair? A: He said his mind was a complete blank from the killing - he says he remembers being with his mother and the deceased, and the deceased started spitting at his mother and he remembers the deceased spitting at his mother. He then says there was a blank in his memory and he remembers being arrested.

Q: So far as you could get from him doctor, he recalled nothing of his movements from the time of the spitting until he was arrested? A: That is right.

Q: Now I think you used the term automatic state? A: Yes.

Q: Would that relate to a person acting during amnesia? A: Acting during amnesia.

40 Q: But being unable to record it? A: But being

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unable to record it.

Q: Now during this automatic state, you also call
is automatism? A: Yes, there are several
names, twilight stage.

Q: During this condition would you expect the
person to continue doing what he had been
doing before or would you expect him to
initiate something new altogether? A: Usually
it is initiating something new altogether,
like start urinating in public or something 10
new - these are the cases that come to us, and
I suppose usually a person initiates something
new like taking off their clothes or urinating
in public.

(Cont'd)

Q: Does the brain during such a stage exercise
any freedom of choice? A: No, sir.

Q: For instance, the evidence is that his mother
had the machete and he took the machete from
the mother and attacked the girl, and even 20
after she ran off he still went and dealt her
several blows with the machete. Now in as
much as there is no evidence of any disagree-
ment between himself and the mother, but dis-
agreement between himself and the girl, and
that he had used words which could be
understood to mean that he was going to hurt
the girl or her sister, now the fact that he
took the machete from the mother and killed
the girl, is this more consistent with his 30
working out what he has in his mind, or with
his doing something he does not know anything
at all about? A: Well it is more consistent
with working out what is in his mind.

HIS LORDSHIP: With that than with initiating
something new?

CROWN COUNSEL: Than with doing something he
doesn't know anything about.

HIS LORDSHIP: Which is what you would expect when
he is behaving automatically. A: (witness)
what you get there is that if he was 40
completely automatic he might have killed his
mother as well as the deceased, this is against
being in an automatic state; he seems to choose

the person against whom he has a disagreement.

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Q: It is against an automatic state? A: When he chooses to kill the person he had been speaking with.

Defence
Evidence

CROWN COUNSEL: Yes, doctor, what I want to get quite clear is this, acting in that manner is more consistent with a person not being in an automatic state and working out what he had in his mind and intended to do than being in this state and doing something he doesn't know he is doing at all? A: Yes.

No.14
Dr. Robert Mair
Cross-
examination

10

Q: Now I think doctor you had said that drinking, I take it you mean alcohol, could precipitate this state of amnesia? A: Yes.

(Cont'd)

HIS LORDSHIP: Drinking together with the history of this injury? A: Yes, as a matter of fact even water can, but with alcohol of course..

CROWN COUNSEL: And you say you would expect to find cloudiness of the memory after the passing of the phase? A: Yes, sir.

20

Q: Now if alcohol produced it, you would have expected the cloudiness to last much longer, as long as the alcohol was in the body?
A: Yes, sir.

Q: And I wonder if you can recall doctor, at what rate alcohol is destroyed in the body? A: No, I am sorry.

Q: Do you know if a person suffers from these attacks of automatic state, you say it can come on even by drinking water? A: Yes.

30

Q: Is it that it sets up a pressure in the body?
A: Well nobody knows, you give him vast amounts of water to drink to try and bring the thing on you know.

Q: Anyhow did you get from him that he was a licensed driver? A: Yes, sir.

Q: In the history that he gave? A: The note I have got is in '65 he obtained a driving licence and he says no accident.

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examination

(Cont'd)

- Q: So not even an accident relates to a seizure of the automatic state? A: No.
- Q: And of course, well I think you have already said you have had no independent testimony as to these periods he had mentioned? A: No, sir.
- Q: Just his word? And without the E.E.G. test doctor, you would not even have suspected any abnormality at all? A: If he had not given me a history, no, but he gave me this history. 10
- Q: Well, do you always accept fully a history that a patient gives you or you test it by examination? A: In ordinary clinical practice I think you tend to accept the history.
- Q: And this damage to the brain, if it were severe doctor, would you have expected it to produce some intellectual impairment? A: Yes, sir, if it was severe.
- Q: Well, even with the assistance of this E.E.G. test, can you say that he suffers any substantial impairment of his mental responsibility even with the assistance of that test could you say that? A: But during this period it seems possible that his responsibility was impaired. 20
- HIS LORDSHIP: What period? A: The period when the actual incident took place.
- Q: It seems possible that what? A: His mental responsibility was impaired.
- CROWN COUNSEL: You are talking about the act of the killing? A: Yes. 30
- Q: That is, of course, if there was a blackout? A: Yes, sir.
- HIS LORDSHIP: This amnesia you speak of, this blackout? A: Yes, sir, his mental responsibility would be impaired.
- CROWN COUNSEL: But if the related factors seem to be against there having been any amnesia, is there any other area in which you could say

there was an impairment of his mental responsibility, if there was no amnesia?
A: There is no impairment of responsibility.

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Cross-
examination

DR. ROBERT MAIR RE-EXAMINED BY DEFENCE COUNSEL:

Re-examination

Q: Tell me doctor, on results of tests do people with the abnormality that you found in this test, do they appear abnormal? Would you expect them to appear abnormal? A: For short periods only. The rest of the time he could appear quite normal.

(Cont'd)

10 HIS LORDSHIP: Just a minute. He appears abnormal for short periods only? A: Only.

Q: So that if he were not at the time you saw him having these short periods of abnormality he would appear absolutely normal to you?
A: He would appear absolutely normal.

20 Q: Now, people who have these short periods of amnesia, do they remember what happens right up to this moment of amnesia - after it is finished do they recall what happened up to this period? A: No, they have a great memory loss for the period.

Q: But before the period takes place. A: Sometimes they have what is called retrograde amnesia. You have a bit more amnesia - even for the period before the period of amnesia.

Q: That means that? A: It is only events that have not been properly registered by the brain or the one held on to by the brain.

30 HIS LORDSHIP: Wait a minute now. Will you repeat what you said a while ago doctor? What I have is, "Sometimes they can have a loss of memory".
A: He has this blackout and he got amnesia for the period of the blackout, and you say, can the amnesia spread over a longer period?

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Dr. Robert Mair
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DEFENCE COUNSEL: No, after this amnesia is over could he remember what happened before?

A: Sometimes you can have a bit more memory loss than for the actual period.

HIS LORDSHIP: Sometimes you can have a bit more....? A: Memory loss. Maybe a short period before the blackout started.

Q: Sometimes he could have memory loss for a period before the blackout started? A: Yes.

Q: But sometimes he would not have it? A: But sometimes he would remember. It is possible to have it..

10

(Cont'd)

HIS LORDSHIP: To have what?

DEFENCE COUNSEL: Loss of memory right up to the blackout.

HIS LORDSHIP: No, no. That is not what the doctor said.

Witness: You can either recall then the minutes before the blackout started, or you might have loss of memory for a short period before the blackout.

20

HIS LORDSHIP: But his memory might be perfect up to the very instant before? A: Yes, before the blackout starts.

Q: Now, when the blackout ends, doctor, at the end of this blackout what state is the memory in? He doesn't remember what happens during the blackout? A: It is usually in a confused state, or clouding of consciousness. He comes back, usually gradually, to full awareness.

30

Q: About how long would this take? A: Some people are in this confused state for days. There is no method of saying.

Q: Now, this blackout, could it be - during the blackout the person acts, would you say, by reflex? A: Well, it is a bit more than reflex. Your reflex, if you tap the tendon the muscles jump, but it is a highly

complicated activity.

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Q: Would you say the mind has something to do with the action during the blackout?.

HIS LORDSHIP: Is the action controlled by the mind? A: It is highly complicated. It is more complicated action than reflex.

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10 HIS LORDSHIP: Does he just act automatically, or does his mind have control over what he is doing? A: Well, take the example of taking off your clothes; it is a thing you do almost automatically. This kind of action was semi-automatic.

HIS LORDSHIP: The point is, if you are taking off your clothes you have to think and want to take off your clothes. Is that so? A: Yes, but you couldn't sort of sit down and write a highly complicated letter to someone.

(Cont'd)

20 HIS LORDSHIP: Normally, doctor, if I want to take this pencil up, my mind and my thoughts are directed to this pencil and the fact that I want to take it up? A: Yes.

DEFENCE COUNSEL: Is it like walking? A: You could go walking - you start off walking and it seems to be almost automatic.

HIS LORDSHIP: And you don't actually have to think to walk after you have started walking? A: Yes.

30 HIS LORDSHIP: But the point is, if you want to walk you must think to initiate the walking? A: Yes.

HIS LORDSHIP: When a person is in a blackout is his mind directed to what he actually wants to do? In other words, are his actions controlled by his mind? (No answer).

DEFENCE COUNSEL: Would his nature determine what sort of action he would do? A: He would do things that he normally did, and this blackout is like a sleep-walk.

Q: He is not conscious, but the sub-conscious is

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controlling his action? A: There are centres in the mind which control walking and certain things.

HIS LORDSHIP: I don't know exactly what to write. I don't really know what you want me to put down.

DEFENCE COUNSEL: What I am driving at....

HIS LORDSHIP: I don't want to know what you are driving at. If you want to know what you are driving at ask the doctor.

10

(Cont'd)

Q: Would you say, doctor, his actions being controlled by the sub-conscious part of the mind he is not conscious about his actions?
A: He is not fully conscious. If you make him unconscious he has got to be asleep. It is somewhere in between.

HIS LORDSHIP: So during a blackout he wouldn't know what he is doing? A: No. He wouldn't be fully conscious of what he is doing.

Q: Would you then say that he is being controlled by his sub-conscious mind? A: You could say that.

20

Q: Now doctor, dreams come from the sub-conscious mind? Would he in this condition - would certain things that affect his mind, his thoughts, would they help to determine his actions when he is in this state of amnesia?
A: I think - are you getting at, maybe, what happened before the state of amnesia?

Q: What happened in the state of amnesia? A: I suppose it is possible.

30

HIS LORDSHIP: Possible for what? A: The events preceding the state of amnesia would determine to some extent the things which happened during the state of amnesia.

HIS LORDSHIP: Would influence the action during this state? A: Yes, during this state.

Q: And this would take place even though this amnesia, this state of mind, this abnormality,

had substantially impaired his actions, his mental responsibility? A: Yes.

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Q: With his case history - the history that he told you, and with the result of the E.E.G. test, would a slight blow on the head at the time...

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CROWN COUNSEL: My lord, I must object. It does not arise.

10 HIS LORDSHIP: Yes. If you want permission to ask it, Mr. Douglas...

DEFENCE COUNSEL: It doesn't arise, but this should have been asked originally. I do appreciate that my lord. Do I have your permission?

(Cont'd)

HIS LORDSHIP: Yes.

Q: Could a slight blow on the head, doctor, send him into this state of amnesia? Taking into regard everything -- his history? A: It is possible, but it is not usual. People just...

20 HIS LORDSHIP: Just a minute please. Yes. A: It is possible but it is not usual. People just seem to go into these states for no very good reason.

Q: You did say in cross-examination, doctor, that from the results of the test he was just a bit below an epileptic seizure?

CROWN COUNSEL: He never said that. I think he said if the thing had been a bit worse he would have been epileptic.

30 Q: If the waves were a bit worse, more abnormal, he would have had epileptic seizures? A: Yes.

Q: People during this state of amnesia, they sometimes act quite rationally, would you say, doctor?

HIS LORDSHIP: Rationally or irrationally?

DEFENCE COUNSEL: Not rationally; irrationally. They sometimes are not rational at all?
A: Yes.

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HIS LORDSHIP: Are they ever rational? A: Well, with the kind of automatic behaviour it could be something very simple.

Q: Would you be able to say, doctor, that a person suffering from amnesia would their behaviour follow a definite pattern? (No answer).

Q: You say he may just as well have chopped up the mother as the girl? I believe you told my learned friend this? A: Yes, if there was complete loss - if the thing had been fully automatic. 10

(Cont'd)

Q: But is it possible that he could have cut up only one person that was there? A: Yes, it is possible. People in these states have killed a number of people for whom they had no ilewill.

Q: You say that they have killed people too for whom they had very ilewill? A: Yes, sir.

Q: You say people have been known to kill people for whom they had A: Yes, sir. 20

DEFENCE COUNSEL: Thank you doctor. My lord, I had intended calling another witness, Dr. Martin, but in view of certain things he will not be here until 2 o'clock, so I will close my case now.

HIS LORDSHIP: As you like. It is a matter for your decision.

DEFENCE COUNSEL: I have decided that I can.

FOREMAN: My lord, a member of the jury is trying to find out from the doctor - he wants to know that if any violent person can there be... 30

HIS LORDSHIP: If what?

FOREMAN: If in any man who is violent can there be re-actions that were found in this man's case.

HIS LORDSHIP: Let me see if I interpret it correctly. Doctor, I think what the Foreman would like to find out is, the condition which

you found after examination of this accused, is that condition such as you would ordinarily find in any violent person - any person of a violent disposition? In other words, does a person of a violent disposition have any abnormality of mind at all? A: No, my lord. He could be just a violent person.

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10 HIS LORDSHIP: The fact that you are violent doesn't mean that you are abnormal mentally?
A: He could be normal mentally and yet be violent.

FOREMAN: My lord, he is also wanting to find out if his forgetfulness of what happened is the cause of what really happened; because he didn't remember what really happened could it probably cause him doing what happened, or could it be the cause of what happened.

(Cont'd)

20 HIS LORDSHIP: You mean the fact that he has forgotten would be the cause of what actually was done?

FOREMAN: Yes, sir.

HIS LORDSHIP: You understand, doctor? Put it this way: The same thing that would cause him to forget - the same thing that would cause him afterwards to forget might have caused him to do what he in fact did? Is that the position? A: I think so, my lord.

30 HIS LORDSHIP: The same abnormality which would cause him to forget would be the cause, or might be the cause, of his having done what he did? Is that it? A: Yes, my lord.

HIS LORDSHIP: Is that it, Mr. Foreman?

WITNESS: I think, putting the strongest interpretation on it, some change came over him which rendered him not fully in control of what he was doing, and it also rendered him unable to register what he was doing.

HIS LORDSHIP: Thank you, doctor.

DEFENCE COUNSEL: That is the case for the defence.

40 11.07 a.m. - DEFENCE COUNSEL ADDRESSES JURY.
11.20 a.m. - CROWN COUNSEL ADDRESSES JURY.

SUMMING-UP OF THE HON. MR. JUSTICE SMITH

Mr. Foreman and members of the jury:

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13th June 1967.

10 The accused is charged before you for the offence of murder, the particulars being that he on the 24th day of April, 1967 in this parish murdered Joyce McNair; and the allegation is that he killed this woman Joyce McNair by chopping her to death with a cutlass.

20 Your function is to decide whether or not the accused is guilty of this charge of murder, or of any other charge which is open to you on this indictment. You must come to a decision as to his guilt or his innocence purely on the evidence that you have heard in court. You are not to be influenced in any way by anything that you might have heard of this case before you came into court or anything you might have read about it. The guilt of people are not judged by what you hear outside or by what you read in the newspapers or anywhere else. The only proper and safe way to come to a decision is by listening to what is said in court under circumstances prescribed by law. You must not be influenced either, by any feelings of sympathy, whether for the deceased or her family; nor must you be influenced by any feelings of sympathy for the accused. You must not be influenced either by the savage way, if you accept the evidence, by the 30 savage way in which this young woman met her death. You must calmly and dispassionately consider the evidence in the case and the submissions made to you by learned counsel, and anything I might say by way of assistance to you, and calmly and dispassionately come to a decision in this case as to the guilt or innocence of the accused.

40 My duty is to tell you what the law is that you will have to apply to the facts which you find proved. It is not my duty to decide on the facts. You are the sole judges of the facts. It is you who must decide what you accept of this evidence as true, having regard to the evidence given by the many witnesses; the way in which they gave their evidence, their demeanour; and to come to a decision as to what are the true facts of the case; and from what you accept as true you come to a

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(Cont'd)

decision as to the guilt or innocence of the accused.

My duty in relation to the facts is to try to help you to come to a decision by reminding you of the evidence and making such comments as I think necessary, or as I think might be of assistance to you. My commenting or giving you my opinion on the facts does not relieve you of your responsibility to form your own views. If any view I express makes sense and can help you, if you think that anything I say, any view I express can help you in coming to your decision, then you are free to accept my view as your own and act on it; but you must discard any view of the facts which I express and with which you do not agree.

10

Now, apart from finding the actual facts proved in the case, you are entitled to draw reasonable inferences from such facts as you find proved, in order to assist you in coming to your decision. Certain matters can not be proved by direct evidence, the evidence of a witness who said I saw or I heard it happen; certain matters can only be proved by inference from any other proved fact, and it is for that reason why you are entitled to draw reasonable inferences. Members of the jury, you must not draw an inference unless you draw it from proved facts; you must not draw an inference unless it is a reasonable one, and if a set of facts are capable of more than one inference, one in favour of the accused and another against him, then you must always draw the inference which is in his favour.

20

30

The charge has been brought against the accused by the prosecution and the duty is on the prosecution to prove his guilt to your satisfaction. There is no duty on the accused to prove his innocence, he is presumed to be innocent until you by your verdict say he is guilty; and the prosecution must prove the charge against the accused so that you feel sure about it. You cannot convict the accused of this charge of murder, or of any other charge, unless in relation to the charge you are considering, you are satisfied by the evidence in the case so that you feel sure of his guilt. Any matter about which you do not feel sure you have to resolve in favour of the accused.

40

I will tell you presently of a number of ingredients which go to make up this charge of murder, and the prosecution has to prove everyone to your satisfaction so that you can feel sure about it. And, as I say, if in relation to anything that the prosecution has to prove you are not sure about it on the evidence, you don't feel sure about it, you must resolve the particular issue in favour of the accused.

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10 Now, what is murder? That is the charge
against the accused. Murder, members of the jury,
is committed where one person by a deliberate or
voluntary act intentionally kills another. That is
a short definition of murder - where one person by
a deliberate or voluntary act intentionally kills
another. In order to amount to murder the killing
must be, first of all, the result of a deliberate or
voluntary act, that is to say it must not be by
accident that the person killed came to her death -
20 an accidental killing is no offence at all. The
second thing, the killing must be intentional, that
is to say the act which results in death must have
been done or committed with the intention either to
kill or to inflict really serious bodily injury. I
have said members of the jury, that murder is inten-
tional killing, but a deliberate and intentional
killing is not necessarily murder. A deliberate and
intentional killing done as a result of legal provo-
cation is not murder but manslaughter - where a
30 person kills another as a result of what I will call
legal provocation, the offence committed is not
murder but manslaughter; and a deliberate and
intentional killing done in lawful self-defence is
no crime at all.

(Cont'd)

Now to establish the charge of murder, the
prosecution must prove these ingredients. They
must prove first of all, the death of the person
named in the indictment; they must prove secondly
that it was the accused who killed her; they must
40 prove thirdly that he killed her by a voluntary or
deliberate act - that is to say he did not kill her
by accident; fourthly, it must be proved that the
accused intended either to kill the deceased or to
inflict really serious bodily injury on her - and
this intention has to be proved like any other fact
in the case.

Now, members of the jury, intention is not

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capable of positive proof; the only practical way of proving a person's intention is by inferring it from his words, or his conduct. In the absence of evidence to the contrary, you are entitled to regard this accused as a reasonable man, that is to say an ordinary responsible person capable of reasoning. In order to discover his intention therefore, in the absence of an expressed intention, you look at what he did - if you accept he did anything - and ask whether as an ordinary responsible person he must have known that death or really serious bodily injury would result from his actions. If you find that he must have so known, then you may infer that he intended the result, and this would be satisfactory proof of the intention required to establish the charge of murder. It is, of course, the actual intention of the accused that you are trying to discover, so you must take into account any evidence given by the accused explaining his actions and stating what his intention, or perhaps his absence of intention, was, then on the totality of the evidence in the case you come to your decision whether the required intention has been proved or not. 10

(Cont'd)

Now the fifth ingredient which must be proved by the prosecution to establish this charge of murder is that they must prove that the killing was unprovoked; and lastly the prosecution must prove that the killing was not done in self-defence. Those are the ingredients which must be proved, and as I said each one must be proved to your satisfaction so that you can feel sure about it. 30

Now members of the jury, let me remind you of the evidence in the case. The prosecution must prove first of all the death of this young woman Joyce McNair. Well, as far as that is concerned, you should have no doubt at all; you heard the evidence given by her father Mr. Hector McNair, of Belfield Works, who told you that on the 24th of April this year he saw his daughter's dead body on the road at Belfield Works, and he later identified the body to Dr. Reginald Peat, the medical officer who performed the postmortem examination on the body. 40

Now what caused her death. For this you look to the evidence of Dr. Peat. Dr. Peat told you that he examined the body of this young woman

on the 24th of April at about 4.10 p.m. The body was lying in the main road near Belfield Works and he described to you the position of the body, and the bleeding surrounding it. He told you that on external examination he found that the right hand had been completely severed except for a narrow piece of skin which held it, and this severance was one and a half inches above the wrist. He said this injury could have been caused by a machete and used very forcefully. He found, secondly, an incised wound of the left hand and forearm, extending from the little finger upwards across the palm and the wrist up to the forearm, it was 6 inches long and this could have been caused by a machete with a fair amount of force. He told you that this injury severed the muscles and blood vessels of the front and inner side of the hand, and all the tendons controlling the action of the wrist and fingers.

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(Cont'd)

20 Thirdly, a gaping incised wound at the back of the right knee, 4ins. long by 2 ins. deep by 3 ins. wide, cutting into the thigh bone, almost severing the leg; and this he said could have been caused by a machete used very forcefully.

30 Fourthly, he found a long, deep, incised wound which opened the skull - it was 11 ins. long and ran from below the right eye, passing above the right ear, and ending at the back of the head on the left side, cut into the brain to a depth of two and a half inches, and it would require extreme force with a machete he says to cause that injury.

40 Then the fifth injury was an incised wound of the neck, two and a half inches long and an inch and a half deep, cutting through the fourth cervical vertebra and the spinal cord. The sixth, a 2 $\frac{1}{4}$ in. long incised wound, 1 $\frac{1}{2}$ ins. deep, cutting through the sixth cervical vertebra and the spinal cord, and a machete could have caused these injuries as well. He said the use of the machete would have to be quite forceful.

The doctor said in his opinion the deceased died from shock arising from the injury to the brain and spinal cord, and hemorrhage, and death would have been practically instantaneous. He said in cross-examination that it was very possible for one of the injuries to the neck or the skull to have been inflicted after

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death, or while death was taking place. I understand the doctor to mean that perhaps the injury to the skull could have caused death, and after that caused death or while death was taking place, the injury to the spine was inflicted or vice versa.

So members of the jury, there you have it. If you accept it, it is evidence of the death of Joyce McNair from injuries which the doctor said could have been caused by a machete or cutlass.

10

The next question is, how did she come to receive these injuries which caused her death.

(Cont'd)

Well now, you have to look to the rest of the evidence in the case, and from the evidence, on which there is no dispute, the deceased was 23 years of age and in April of 1966 she went to live with this accused as his wife at Belfield Works in this parish, in a room which he rented from Mrs. Veronica Reid. Now, the accused had been a tenant of Mrs. Reid since October of 1965 and, as you heard Mrs. Reid say, his room was on the lower floor of a two-storey building; she lived on the upper floor. Mrs. Reid in her evidence said that the accused and the deceased would fuss at times and, members of the jury, that is not unusual between a man and wife, and nothing turns on that fact, that they would fuss from time to time; it doesn't mean that the accused has committed murder at all, or else most of us who are married would be guilty of that on many occasions. It is the normal thing for people who live together to have a fuss now and again; but she said on the 15th of April, 1967 they had a fuss and on the following morning, the 16th, while the accused was away the deceased took her suitcase and left the room of the accused and went away. It appears from the evidence that she went to live where her sister, Eunice McNair, lived, about $3\frac{1}{2}$ chains away from where the accused was living. Well now, that is the background; that is the evidence which is not in dispute.

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Then we have evidence of incidents which took place prior to the 24th of April when she met her death; and, members of the jury, all that evidence that was given was a background to what occurred on the 24th, from which you might be able to get some

assistance in deciding what really did take place on the 24th, and in what circumstances did the incident take place on the 24th. This background evidence might tend to explain some of what took place on the 24th.

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Well now, first of all you had the evidence of Veronica Reid. She told you that after the deceased left on the 16th of April she returned on the following day - on the 17th - and took away two
10 chairs. The accused was present on that occasion, she said, when the deceased came and took away these chairs. She is the only witness who spoke as to this date, and it is not suggested - she doesn't say - that any quarrel - or fight took place between the accused and deceased when the deceased came and took away the chairs; simply that she came and took away the chairs
while the accused was there. (Cont'd)

Then we move next to the 21st of April, and here you have the evidence of Veronica Reid. This is what
20 she said took place on the 21st of April. She said she saw the deceased come to the house at about 7 o'clock in the evening and she was followed a few minutes afterwards by her sister Eunice McNair. The accused was at home and the deceased went towards the room of the accused, and Mrs. Reid said she knows that the deceased had come for her bed which was in the room of the accused. She said she heard the accused and the deceased talking; Eunice McNair was then standing out in front of the verandah of the house upstairs, and she had not gone
30 down to the room of the accused. She said while the accused and the deceased were down there talking Eunice said, "I follow Joyce to go and take out the bed and the boy don't want to give it to her", whereupon the accused said, "Who you calling boy". She said Eunice was then standing in front of her verandah and the accused ran from his room towards Eunice and pushed her. Eunice told you that at the time she was pregnant. Mrs. Reid said Eunice fell and got up and flung a stone at the accused which did not catch him. The deceased was down at the
40 room when all this took place, and then afterwards the deceased came up to the verandah. The accused ran down to his room and came back with a machete; he hit Eunice across her chest with the machete. She was still standing in front of the verandah. He ran up on to the verandah and hit her; he then hit the deceased with the machete. Both the deceased and Eunice ran behind Mrs. Reid, according to what Mrs. Reid said. The accused approached Mrs. Reid with the machete; she asked him if he was going

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(Cont'd)

to chop her, he said no, and she held his left hand in which he had the machete. She told you he is left-handed. She asked him to give the machete to her - and he did so. So you see, members of the jury, you have evidence here of Mrs. Reid saying that the accused used the cutlass - the machete - to hit both deceased and her sister. The fact that the accused might have hit the sister, Eunice, with this machete isn't a matter which you use in the case to the prejudice of the accused. This is simply, as I say, background evidence; it explains, perhaps, the conduct of the deceased, Joyce McNair, and of the accused on the 24th, which is the relevant date for you to consider; and indeed, in relation to this, the accused in his statement to you spoke of some money which he was prepared to give to compensate for the doctor bill which Eunice incurred as a result of the blow which he gave her. In other words, he is not denying that he hit them and that they went to the doctor, but as I say this is purely background evidence, and that is how you should treat it.

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Well, Mrs. Reid said that after she took the machete from the accused, or after he gave her the machete, Eunice said, while the accused was still standing there, that they were going to the station. In this respect Eunice in her evidence said that she didn't say anything like that at all before she left. So there is a conflict there, members of the jury. Perhaps you might think it is not very important. Mrs. Reid said she told the accused to go to his room and she walked with him down there, and she hid his machete behind his door in his room. She said that after the girls left the accused said these words, "If is station these two girls gone Martina will have to tie her belly", and Mrs. Reid said Martina is the mother of the two girls, Joyce McNair, the deceased, and Eunice McNair. Well, that is what Mrs. Reid said occurred on the 21st of April.

30

40

Then we have the evidence of Eunice McNair. She spoke of this incident on the 21st of April. She said that on that day she went with her sister, the deceased, to move her bed but she did not go down to the room. As Mrs. Reid said - I have reminded you - she was standing in front of Mrs. Reid's verandah speaking to her while the deceased went down towards the room. Eunice said the accused came up to where

she was speaking to Mrs. Reid, and she, Eunice, had used the word boy, and he came up and said, "Who you calling boy", and hit her in her chest and she fell to the ground. She said the accused ran down to his room and brought up a cutlass and hit her with it; deceased ran from down the room and came towards the accused and the accused hit deceased with the cutlass across her chest. He hit her, Eunice, twice with the cutlass. She said Mrs. Reid came down and held the accused's left hand with the cutlass, the deceased ran up to Mrs. Reid's verandah, the accused afterwards came at her with the machete and she took up a stone and flung at him. The accused threatened her and Mrs. Reid held the accused's hand. Herself and the deceased were then on the verandah and they came off and went to the station.

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(Cont'd)

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As I told you she said she did not say before she left that she was going to the police station. She said the following day she went to the doctor, Dr. Peat; and in relation to the 21st, members of the jury, you have the evidence of the police Constable, Oliver Johnson, who said that Joyce McNair went to the Belfield police station where he was stationed and made a report at about 7 p.m. on the 21st and she was accompanied by her sister Eunice McNair. So that is the evidence of what took place on the 21st.

30

Then we have the 22nd of April, and we have the evidence first of all of Dr. Peat who said that he examined and treated the deceased Joyce McNair on the 22nd of April. As I told you Joyce went to the doctor on that day, and Doctor Peat said he found that she had contusion with abrasion of the middle of the upper part of the chest and the middle of the lateral part of the right leg, and the injury to the chest could have been caused by a blow from the flat side of a machete. This merely supports the evidence given by Mrs. Reid and Eunice McNair that the accused struck the deceased with this cutlass on the 21st.

40

Then you have evidence of what took place on the 22nd; you have the evidence of Police Constable Oliver Johnson who, as a result of a report made by these two young women, went to the home of the accused, but did not find him. Well, members of the jury, Veronica Reid takes up the story, and she told you that on the 22nd, after the Constable had come and gone, the accused came and she told him, the accused, that the police had come, and she said the accused said in reply, "All I know, if

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them gone to station and make anything happen
Martina will have to tie her belly for one, because
she won't scold them". She said the accused said
that on that occasion. That is all the evidence
of what happened prior to the 24th of April.

Now, in his statement the accused did not say
anything at all about what took place prior to the
24th of April. He spoke only of incidents which
took place on the 24th of April, so far as the
actual facts of the case are concerned. So now
we move to the 24th of April and what took place
on that day. You have first of all the evidence
of Veronica Reid. She spoke of the incidents which
happened earlier in the day. She said that at about
10.30 a.m. on that day Police Constable Johnson
returned to the house, the accused was not there
then, but he came in a few minutes afterwards and
saw the Constable. The Constable served the accused
two Summonses and the accused threw them on the
floor. As regards time, members of the jury, the
accused in his statement told you that - at least
from what he said you might infer that it took
place, this serving of the summons, took place,
not as early as 10.30 because he had gone about
drinking all over the place; but the Police
Constable on that point said that this service of
the summons took place in the region of about 1.00
o'clock in the afternoon. Mrs. Reid said it was
about 10.30 a.m., and I think afterwards she said
she wasn't too sure about the time about which she
was speaking, but she said it was about 10.30, and
she said after the accused had been served the
summons and threw them on the floor she told the
accused to take them up because on the day of court
he will want them and the accused said they won't
be of any use to him because 'how long anybody
live they won't see him go to court.' She said the
Police Constable left at about 11 o'clock. As I
have said the Constable said it was later in the
day. She said after the Constable left the accused
went to his room and she followed him; he took up
a machete file and she asked him what he was going
to do with it, if he was going to file a machete,
and he said no, and she said to him, "I am going
to tell your mother to caution you because I see
you are about to do something." She said the
accused replied, "What I have in my mind neither
you nor Mum can't take it out."

(Cont'd)

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She said she took the file from the accused and threw it through the window, the accused then left the premises. She said this was about 1.45 p.m. Well maybe, members of the jury, if that is the time he left that would perhaps coincide with the constable saying it was about one o'clock he served the summons, and maybe it was after that time he left. She said she was not sure about the time. That is what Mrs. Reid said about what took place on the 24th.

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We have the evidence next of police constable Johnson, he said that he went on the 24th of April and served the accused with the summonses arising from the report which he had received from the two women. He said the accused read them and said 'I hope this is the lasttime I going to court'. Now that differs in some respect from what Mrs. Reid said - she said that the accused said 'how long anybody live they won't see me go to court', I don't know, they perhaps amount to the same thing, - well they don't because according to what she said he was saying that he wouldn't go to court, for some reason he would not be going to court, and the constable said he said he hopes this is the last time he is going to court.

(Cont'd)

Now as regards what took place at this earlier part of the 24th, you have the statement of the accused. You see, members of the jury, the incidents of the 24th can be broken up into three parts - the incidents of what took place prior to the actual killing of the deceased; the incidents relating to what took place when she was killed; and the incidents taking place subsequent to her being killed. As regards what took place prior to the killing of the deceased - you have this statement of the accused. Now he made a statement from the dock which he was entitled to do. He was not obliged to go into the witness box to give evidence on oath. You must take into account what he told you in his statement and use it in deciding whether or not the prosecution has satisfied you on the evidence so that you feel sure that the accused has committed an offence, either the offence charged or any other offence open to you on the indictment. You bear in mind of course that what he said was not tested under cross-examination; it was not given on oath where he could be tested by cross-examination; and you attach to his statement what weight you think fit in the circumstances.

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(Cont'd)

Well, about what took place prior to this incident on the road, he said that he had gone about with friends drinking - I will remind you in detail about the drinking later on, but he said having gone around drinking and returned to Central Belfield. They were next going to Annotto Bay and while he was passing his yard he saw the constable's car parked at his gate; he asked his friend to stop to let him find out what the constable wanted and he went down into the yard and Mrs. Veronica Reid and the constable were sitting in the outer room to the verandah, and according to him Eunice McNair was standing on the verandah - of course Mrs. Reid has not said anything about that, nor has Eunice McNair, but the accused said she was there. He said Howd'ye do to the constable and went in and sat down, and the constable said to him why he hit the girls, and he said to the constable 'that is not all I think you have heard', and the constable said 'regardless what has happened I shouldn't have hit her'.

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He said the constable handed him two summonses. He looked at them and he folded them and put them on the floor. Mrs. Veronica Reid said to him why he put them on the floor, and he said to her they will be of no good, and she said that he must take them up, he might need them in court. He said the constable then left and he went to his apartment. He stretched his hand over the window and took down a shaving set, a toothbrush, a bottle with hair oil and a file, and he put them on the table as he was expecting to remove from the house that said night. He said Mrs. Veronica Reid came down, she did not pay 'no attention to nothing else other than the file' and she said to him what he is going to do with the file, and he said to her 'nothing'. She told him that he can go away because he has a licence to drive and he can go and get a job somewhere else, and then he said he closed the door and went out to the shop. That is his version about what took place in the morning. You will observe that he does not say he told Veronica Reid what she says he said about 'neither she nor Mum can take out what he had in his mind'. So members of the jury, that is the evidence of what took place prior to the incident on the road, the road at Belfield Works or near Belfield Works.

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Now the evidence as to what took place out in the road is given first of all by Joyce Tucker.

Remember she is the young woman who was on her way with her baby from the clinic, going home. She said she stopped at the house where the deceased lived, she actually wanted to see Eunice, the deceased's sister, but the deceased came out and carried her to her home for about 14 chains. She said on the way she saw the accused and two other chaps sitting on the piazza of the shop, and herself and Joyce (that is the deceased) passed the accused out there at the shop. Then Joyce (the deceased) turned back, and she the witness (that is Joyce Tucker) apparently stopped at the postal agency and while she was there she saw the mother of the accused come out of the shop, the same shop where the accused had been sitting. At that time she did not see the accused, and the mother was accompanied by Meva Arthurs. She said when she was passing the shop she did not see whether the accused had anything with him at the time, but from the evidence members of the jury, obviously he did not have anything with him at the time, and whether or not he had anything with him at the time I don't suppose it is important, but there is no evidence that at the time he had any weapon with him at all.

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(Cont'd)

The witness says the mother of the accused had a basket on her head and a cutlass in her hand, and she went along the road in the direction in which the deceased had gone when she turned back having accompanied Joyce Tucker.

We have next the evidence of Meva Arthurs, this girl of 16 years of age who worked with the mother of the accused, the mother of the accused being Mildred Robinson. This young girl told you that on the 24th of April she went to the field with the mother of the accused. The mother of the accused carried a cutlass and a basket. She said they were coming back from the field at about 2 o'clock, Miss Mildred (the mother of the accused) had the basket and the cutlass, and on the way she said she saw the accused standing on the left of the road and the deceased on the right. She said Miss Mildred was in front of her and Miss Mildred reached up to where the accused and the deceased were talking. She said Miss Mildred said to the accused if he changed the money and the accused said 'no', she said he must give it to her and he did so. Then she said Miss Mildred went to the deceased and said why she won't leave Glasford - Glasford, of course being the accused - and the deceased said in reply 'don't come

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up into my face and talk', and she showed you that the deceased and the mother of the accused was then at a distance of where she was standing to where the Inspector was sitting. She said after the deceased used these words Miss Mildred was talking to the deceased and the deceased said that Miss Mildred spit fly in her face. Miss Mildred, she said, turned her back and the deceased spit at her but it did not catch her.

(Cont'd)

Now of course you bear in mind when the accused in his statement said the spitting took place, that the deceased spat in the face of his mother. This young girl said the deceased spat at Miss Mildred while her back was turned and it did not catch her. She said (this is Meva Arthurs) 'same time the accused drag away the cutlass from Miss Mildred's right hand and said what you spit on Mum for'. She said he then went up to the deceased and started to chop her. The deceased ran off and fell with her right hand chopped off, and the accused went over and bend down over her and chopped her head. She identified the cutlass in court as being the one which the mother of the accused had, and which the accused used to chop the deceased.

She said at the time the deceased had nothing with her, and she did not do the accused anything or say anything to the accused. Now this is important on the question of whether as the accused said in his statement the deceased butt him before the chopping took place, this young girl said the deceased had nothing with her, she did not do the accused anything or say anything to him. It is going to be a matter for you, eventually, to say whether you believe this girl that nothing was done to the accused by the deceased or whether you believe the accused that the deceased butt him.

She was cross-examined and she said the accused's mother did not complain about the spitting. Well, of course, if what she said about it is true, the mother's back was turned, so perhaps she did not see. She said the accused chopped the deceased again when she fell on the ground and kept on chopping her. She said she ran away and stopped about three chains at Mr. Ferdy's breadfruit tree and came back to the spot after the accused had left, to take up the food - apparently what she was carrying she threw it down and ran away and returned after the accused had left.

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Remember she said in evidence, she saw the accused walk through his aunt's yard and threw the machete in the bush; eventually she said she did not see that at all. That is evidence of course she did tell a lie, and it is evidence which you take into account in deciding whether you are prepared to accept the evidence that she gave. So that is what Meva Arthurs told you.

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Then you have the evidence of HAZEL VASSEL.
10 Apparently this was clinic day and these ladies with their babies were coming from the clinic. She says she is a housewife and lives at Belfield Line, and she says on this day about 2.15 p.m., she saw the deceased and the accused, both of whom she had known before, she saw them standing on the road talking, and she was walking towards them with her baby coming from the clinic. She saw the mother of the accused come up with Meva Arthurs. She said the mother of the accused had a cutlass in her hand and she had
20 nothing else. She (the witness) was about 3½ chains away from them when she saw them talking. She said the mother came up and spoke to the accused. She heard when the deceased said to the mother of the accused 'don't call my name', and the accused's mother went up to the deceased with a cutlass, went right up to her. She says she saw the accused take the cutlass from his mother and give the deceased about three chops. At that time she (the witness) was about one chain away from them, and the deceased
30 just turn and fell same time.

(Cont'd)

Of course, you bear in mind that Meva Arthurs said that the deceased after she was chopped ran off and fell and was chopped again, but the witness Hazel Vassell said that the deceased was chopped and then she just turned and fell same time. Members of the jury, you bear this difference in mind, between what this witness said and what Meva Arthurs said, in
40 deciding whether or not Hazel Vassel is speaking the truth, and you bear in mind in cross-examination she was asked whether she was really there, and you will have to say whether she was there, and whether in fact she saw what she said she saw.

She said after the deceased fell she started to cry. She saw the accused was still chopping but she does not know how many chops afterwards he gave the deceased. She made hasty steps to pass, and as she reached where the deceased fell she saw him take the cutlass and chop

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across deceased's neck, and the mother of the accused walked off and said 'Glasford is you do this'.

She was cross-examined and she said all the mother had in her hand was the machete. She said Meva had a basket on her head - of course, according to Meva, the mother of the accused had a basket on her head. This witness said all she had in her hand was a machete. I don't know if what she was saying is that she did not have anything else at all, whether in her hand or on her head. She said Meva had a basket on her head. That was all she said, but Meva told you that she Meva had a cutlass as well.

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(Cont'd)

She said she was about a chain off when the chopping started, but she kept coming closer; she was afraid but still kept coming closer. She did not have anywhere else to go she said.

Now, as far as that is concerned, members of the jury, you take into account - that is one of the reasons why it was suggested to her, or she was asked whether she was really there at all; you are asked to say would she, if she saw this thing happening, continue nevertheless? She said she did, and you must say whether you believe it or not. She said she did not see the deceased do the accused anything. Here again, you bear this in mind in relation to whether you believe the accused was butted, as he said, by the deceased. She said she did not see the deceased to the accused anything at all. She said she does not know where the deceased received the three chops, she was not near enough to see the direct places where he gave her the chops. So that is the evidence of Hazel Vassell.

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The only other witness who speaks of what took place on this occasion is the accused, and this is what he said. He said, having gone to the shop he bought a half pack of Albany cigarettes and a beer. After he had finished having the beer he saw deceased going up the road. He said he walked until he got up to her and he said to her, "Tessie" - you have heard that she is called Tessie, by the accused at any rate; he said to her, "Tessie, imagine I and you been going around a long time and this is what it result to; you and your sister is going to send me to prison." He said the deceased

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replied that if it was for her alone it wouldn't have been that way but her sister, Eunice McNair, said she got a blow in her chest and he will have to pay the penalty for it, and he then said to her, "I am going to give you the money for both doctor bill and you don't worry to go to court". She said she didn't know if her sister would take it but he must give it to her all the same, and he said to her, "I don't have the money now, you will get it later or tomorrow." He said they were still walking until they got around a curve and he heard his mother's voice about two chains below, saying, "I am telling Glasford to leave that family or they going to send him to prison and now is just what is going to happen", and the deceased said, when that was said by his mother, deceased said, "Hear you mother calling me name and if she come up here and call me name it not going end good", and he said to the deceased, "Dont't worry about that, all I want is to give you the money for the doctor bill." He said they were standing there until his mother reached up to them and his mother said to him if he got the money changed that she had asked him to change, and he said it was a cheque for £14 she had given him to change, and he took it out of his pocket and handed it to her, and the mother said, "Glasford, all the while I am telling you to leave Tessie and you won't hear and now you are going to go to prison." He said that the deceased in reply to that said, "Don't call my name in your mouth."

(Cont'd)

Now, as far as that is concerned, members of the jury, you bear in mind that the witness Hazel Vassell said that what she heard the deceased say to the mother of the accused was, "Don't call my name." According to what the accused has said, the deceased replied, "Don't call my name in your mouth", which is more or less the same thing. The accused continues in his statement, that the deceased and his mother continued talking to each other and advancing closer to each other, and the deceased said to his mother, "You are talking and the spit is flying in my face and I am going to spit on you". He said he then got into the midst and turned his back to the deceased and his face to his mother and tried to force his mother to go on - to continue on her way. He said the deceased stepped up closely behind him and spat in his mother's face, from her forehead, on the right side, down to her jaw. He said he could look at the slime running down. He said he spun around quickly to punch her with his hand and he received a 'buck' right at the right side of his head. Of course he

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doesn't say that - it was the deceased who butted him, but, members of the jury, you can infer, or he is asking you to infer that it was she who did it. He said after he received the butt his head was dizzy, he did not know her different from his mother, and also his nostril was bleeding.

(Cont'd)

Now, as learned counsel for the prosecution pointed out, neither Meva Arthurs nor Hazel Vassell - who said they were present and saw what took place, neither of them was asked whether the accused - 10
sorry, the deceased butted the accused, neither of them was asked whether the nostril of the accused bled, nor, indeed, did any other witness, for instance the Constable, or the witness Mrs. Rose Williams, say whether or not they saw any bleeding from the nose of the accused. Of course it might have stopped before he left the scene, I don't know. The point is that they were not asked, and you will have to decide whether the question of the butting was something recently made up by the accused and in fact didn't take place at all. It is a matter for you to say whether you believe the deceased did butt the accused as he said. He said after he felt dizzy and his nose was bleeding he remained at the spot standing up for about two minutes, then he 'regained a consciousness that he could walk off.' So he is asking you to say that after the butt he became either unconscious or semi-unconscious. I don't know; it might be that he became unconscious after he discovered his nostril bleeding, but at any rate after he saw his nostril bleeding, apparently he doesn't know anything again. I don't know what he means when he says he remained standing up at the spot for about two minutes - whether that was after he regained consciousness or not I don't know, but what he said is, he remained at the spot standing up for about two minutes and then he regained a consciousness that he could walk off. I don't know what this consciousness represents, whether it was between the time he got the butt and discovered the bleeding of his nostril and the time that he walked off, or the two minutes was the period between the time when he was not so unconscious that he wouldn't know whether he was standing there or not, and when he walked off; I don't know, members of the jury. You must say what you make of it. This is of vital importance to the defence of the accused. Part of it is that when 20 30 40

these injuries were inflicted on the deceased he was in a blackout, or at any rate he didn't know what he was doing at all. So it is important for you to bear this bit of evidence in mind.

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So, members of the jury, that is what the accused said took place on the occasion when, from the rest of the evidence, if you believe it, the deceased was injured.

10 Then now we have the third stage of what took place that day, the 24th. You have, first of all, the evidence of Mrs. Rose Williams for when the accused, according to her, worked driving her motor car. She said she has known the accused from he was a boy, and at about 2.30 on the 24th of April she saw the accused. She was lying in her house, she heard the dog barking, she raised up and saw the accused come into the yard. The accused asked her where was Barber. Barber is her son. She told the accused her son was not there, the accused said nothing and she asked him what he wanted Barber for and he said he wanted Barber to carry him to the station. She asked him what for and this is what she said the accused told her, "I kill Tessie." She said she saw what looked like blood spots on the clothes of the accused. The accused said nothing further but went away. That is her evidence as to what took place on that occasion; and then we have the evidence of Police Constable Johnson who told you that he heard something, went to Belfield Works, saw the body of the deceased lying in the road, and after 20 he had summoned the doctor and other policemen he went to the home of the mother of the accused where he saw the accused, and as he approached he said the accused said to him, "Alright, I coming with you." The clothes of the accused had on spots resembling blood. He cautioned the accused who took him to the back of the house where the accused lived, about three chains from his mother's house, and there he said the accused showed him the cutlass which you have seen in court - exhibit 1 - which was then in a gutter behind the 30 house. The cutlass had on stains resembling blood-stains. That is his evidence, and we have the statement of the accused as to what took place on that occasion. He said that after he regained consciousness he walked up to the yard where he was living, which was about a chain and a half from the spot, and he went through the yard and sat down under a little mango tree. He said he then heard people coming from all directions and bawling his name, 40

(Cont'd)

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(Cont'd)

"Glasford kill Tessie, Glasford kill Tessie." He said he got afraid. He removed and went to the riverside and there he heard some more people saying the same thing. He walked through a short-cut and went to Barber's yard. When he went into the yard he called Mrs. Rose Williams and she asked what happened and he asked for Barber. She said Barber was not there and then she asked him what happened and he said, "Hear the people bawling that I kill Tessie." He said Mrs. Williams left the yard in the direction of where the people were going. Of course Mrs. Williams said nothing of the sort took place. She said she didn't leave the yard at all after the accused came there. He said after Mrs. Williams left he turned back and walked to his mother's yard. He went into the house and lay down on a bed, and he was there until he fell asleep. He woke up quickly because he heard people still passing and he heard his name being called all the while. He said he called to his father-in-law and told him that whenever he saw the police he should call them and tell them that he was there. He remained there until the police came. The police took him out of the house and he was eventually taken to the police station.

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So, members of the jury, that is the evidence of the events leading up to and surrounding the actual killing of this young woman. I must tell you that from the evidence of Rose Williams, she said, if you believe it, that the accused came and said, "I kill Tessie." Now, members of the jury, the fact that the accused said that is not evidence that he is guilty of murder. A person can kill another and yet not be guilty of any offence at all, or it might be manslaughter. The fact that a person says "I killed so and so" is not evidence that he committed either murder or manslaughter, or any offence at all. So you are not to infer from this statement that the accused is guilty of murder. It doesn't necessarily follow. You will have to examine all the circumstances and say whether in fact it does amount to murder or manslaughter, or whether perhaps he is guilty of no offence at all. So that is the evidence, so far as it relates to the actual killing of this young woman, and after lunch I will direct you on the legal aspects of the matter, the question of what offence, if any, these facts amount to. After lunch I will give you directions about that. Of course, members of the jury, as I

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told you yesterday, you are not supposed to discuss In the St. Mary
 this case with anyone or allow anyone to discuss it Circuit Court
 with you. The case is at a crucial stage now, so
 please don't discuss it, not even amongst yourselves,
 and please do not allow anyone to approach you to
 discuss it at all.

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1.00 p.m. - COURT ADJOURN.

(Time: 2.06 p.m.)

10 Court resumes. Jury roll call answered.
 Prisoner in the dock.

SUMMING-UP CONTINUES:

HIS LORDSHIP: Mr. Foreman and members of the jury, (Cont'd)
 from the evidence that I have reminded you of, you
 will first of all have to say, are you satisfied, do
 you feel sure that it was the accused who killed the
 deceased Joyce McNair? It seems to me that from the
 evidence you can hardly find otherwise. Of course,
 the accused is not denying he killed her, that is not
 to say you are not to be satisfied on the evidence
 20 adduced by the prosecution - it is always a matter for
 you to say whether you are satisfied, whether you
 believe the witnesses Meva Arthurs and Hazel Vassell,
 and do you believe the accused told Mrs. Rose Williams
 that he had killed Tezie - it is for you to say whether
 the evidence satisfies you so that you feel sure that
 he killed the deceased. If for any reason you are not
 satisfied he killed her, then members of the jury you
 will be obliged to find him not guilty. But if you
 feel sure he killed the deceased, then the prosecution
 30 has to satisfy you about the state of mind of the
 accused. As I told you, they have to prove that it
 was a voluntary and deliberate act of the accused
 that caused the death of the deceased; and they also
 have to prove that at the time he had the intention
 either to kill or to cause her serious bodily injury,
 to inflict serious bodily injury on her.

40 As I said, one of the elements of the offence
 which the prosecution has to prove is the state of
 mind of the accused. They have to prove that the
 accused acted consciously and voluntarily when he
 chopped the deceased causing her death. While the
 ultimate burden rests on the prosecution of proving
 every element essential in the crime, nevertheless to
 prove that the act of the accused was a voluntary act -

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that is to say the act of the accused in chopping the deceased to death - while it is on them to prove that that act was a voluntary act, the prosecution is entitled to rely on the presumption that every man has a sufficient mental capacity to be responsible for his crimes. This presumption may however be displaced by evidence from which the contrary may be inferred, that is to say evidence showing that the accused was incapable of forming the specific intent required. In other words, if he did not know what he was doing, if his actions were purely automatic and his mind has no control over the movements of his limbs, then he is not guilty of any offence at all. If that was his condition at the time, a condition where he did not know what he was doing, where his actions were purely automatic, where his mind had no control over the movement of his limbs, in these circumstances if that was the condition of the accused, his state of mind, then he is not guilty of any offence at all.

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So members of the jury, you will have to say what you make of the evidence and how you find as regards the state of mind of the accused.

Now let us look at the evidence in relation to that. You have the evidence first of all, of the accused himself. He told you that in 1960 he met with an accident. He said he was coming from Windsor Castle in Portland about mid-night on a Friday night and he got a crash at Gray's Inn central factory gate. He said he was unconscious and was taken to Annotto Bay Hospital, and he never regained consciousness until about mid-day the Saturday. He said from thence he has been suffering from a giddiness in his head, and if he happens to get a blow in his head he gets a blackout easily. Now that is his evidence.

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Well there is little else to support that evidence given by the accused, but that is not to say that you must not accept it. It is for you to say whether in all the circumstances you are prepared to believe that evidence given by the accused. There is evidence given by Mrs. Veronica Reid that she knew the accused was a motor cyclist. In his statement he has not said that when he was coming from Windsor Castle and had this crash that he was riding a motor cycle,

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but I believe from the cross-examination you are asked to infer that that is so, that he was riding the motor cycle and had the crash. Eunice McNair said she knew the accused had a motor cycle, and she had seen him with scars on his face; and Rose Williams said she knew the accused had a motor cycle and she had seen scars on his face and she has seen these scars about six years now, which would be approximately around the time the accused said he had the crash. Of course, in addition, Dr. Mair told you he saw scars on the accused. It is for you to say whether you believe the accused had this crash as he said, as a result of which he said he was unconscious in the Annotto Bay hospital.

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Now the accused said he suffered from dizziness since the crash, and he gets a blackout easily when he gets a blow in his head. As far as this is concerned, I remind you that from what the accused said he is asking you to infer that he had a blackout on this occasion. He told you in great detail what happened right up to the moment when he said his mother was spat upon by the deceased, the deceased spat in his mother's face; and he gave you quite a detailed account of his actions and movements up to that stage, and that he spun around quickly to punch her and thereupon she butt him in his head, as a result of which he became dizzy and he did not know her different from his mother. His nostrils bled, and he remained there for about two minutes to regain consciousness, 'when he could walk off' - that is what he said, and he is asking you to infer from that that he had a blackout.

(Cont'd)

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Now, members of the jury, it will be for you to say whether you believe he did have a blackout as he said. Now in considering this question of blackout, the accused would have you believe that it was because of the butt that he had this sudden blackout, because apparently from what he said - it is a matter for you - from what he said he was all right up to that stage, he got this butt and his head was dizzy; and in considering whether you believe he had this blackout, whether you believe he was butted and became dizzy and had the blackout, bear in mind the evidence given by Meva Arthurs about which I have already told you, that she saw the accused grab this cutlass from his mother and chop the deceased. She said the deceased did not do him anything, or say anything to him. You also have the evidence of Hazel Vassel that the accused took the cutlass from his

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mother and gave the deceased about three chops and she fell, and he chopped her again, and she did not see the deceased do anything to the accused.

On the question of whether or not he had a blackout, you also have the evidence of Mrs. Rose Williams, who, as I have reminded you, said that the accused came to her house, asked for her son, said that he wanted to be taken to the police station, and when she asked what about, he said 'I killed Tezie'.

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(Cont'd)

Now members of the jury, do you believe that the accused did tell Mrs. Rose Williams that he killed Tezie? How did he come to tell her that? Did he know from his own knowledge that he had killed Tezie? If you believe his evidence that he had a blackout he did not know what he did. As a matter of fact he has not said in his statement that he saw Tezie afterwards at all; all he said was that when he regained consciousness he walked off and went away to these various places, but he has not said that he even saw the deceased at all. So if you believe he told Mrs. Rose Williams 'I killed Tezie', how comes he was telling her this?

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Well, when you are considering that members of the jury, whether he was telling her that because he knew from his own knowledge that he had killed Tezie, then you must consider what the accused told you. What he said was that after he walked off, having regained consciousness, he heard people calling out his name that he had killed Tezie, and he heard it all along, lots of people saying this. He heard people bawling that he had killed Tezie.

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Now, did he tell Mrs. Rose Williams that he killed Tezie because he had heard other people saying that he killed Tezie, or did he tell her that because he knew of his own knowledge - in other words, he knew what he did and was telling her what he had done? You must decide. It is for you to say whether the fact that he told Mrs. Rose Williams that helps you in deciding whether or not he had a blackout. As I say, you bear in mind that the accused said that he had heard people saying that he had killed Tezie. In this connection members of the jury, Mrs. Rose Williams said that she asked the accused what had

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happened why he wanted 'Barber' to take him to the police station, and the accused said 'I killed Tezie'.

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10 Now the accused in his statement said that Mrs. Williams asked him what has happened to him, and he said 'hear the people bawling that I kill Tezie'. In other words, apparently he was saying that even at that stage he was saying to Mrs. Williams 'hear the people bawling I killed Tezie'.
10 Of course, Mrs. Williams did not tell you she heard anybody bawling anything, so it is a matter for you to say what you make of the evidence, and it is for you to say whether that bit of evidence helps you in deciding whether or not the accused had a blackout, whether or not he knew what he had done.

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20 Now, on this aspect of the matter, the evidence of Dr. Robert Mair called on behalf of the defence, is of very great importance. You heard the doctor give evidence this morning. Well the doctor told you he is a consultant psychiatrist and he has been a consultant psychiatrist at Bellevue Hospital for two years, and he has been a psychiatrist for 13 years. Now, members of the jury, as a general rule, a witness can only give evidence of facts within his own knowledge, that is to say of things that he has seen or heard. It is however permissible for a person who is skilled by a course of special study, by experience in a particular subject, to give
30 evidence of his opinion on matters relating to that subject and based on facts already proved, and you the jury may take that opinion into consideration in arriving at a decision. Such a person is called an expert. You are not bound to accept the evidence of an expert, he is just another witness and his evidence or his opinion may be rejected if you the jury are satisfied that he is not properly qualified to express an opinion, or if for any reason you do not agree with the opinion he has expressed.

40 If you are satisfied that he has the necessary skill and experience to express an opinion, you will give due consideration to that opinion, though you are not obliged to accept it. So that Dr. Mair is giving evidence as an expert, and I have just told you what his experience is. He has been a psychiatrist for thirteen years. He told you that he has examined the accused on the 26th of May this year and it was a

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psychiatric examination into his mental condition. He told you the results of his examination. He said the accused gave a history of periods of mental abnormality which had started since he had a head injury in 1960. The doctor said this head injury could have resulted in periods of amnesia, that is the head injury of which the accused told him, and of course periods of amnesia means periods of loss of memory. He said heavy drinking does cause amnesia, but it might - sorry, heavy drinking by itself may cause amnesia, but it may also aggravate a tendency to amnesia. Well, as far as the drinking is concerned remember that the accused told you that on the morning in question - the morning of the 24th of April, he had gone on a drinking spree with some friends. He said about 10 o'clock in the morning he saw some friends passing in a car, they stopped at the shop and bought him a drink and they then went away, and he went with them, to Islington where the drinking continued. They left from there to Port Maria where they were drinking just the same. They left to Highgate where they stopped and had two more drinks, and they then left to Central Belfield where they stopped and had another drink. Of course, he has not said what they were drinking and I suppose he asks you to infer that they were drinking alcoholic drinks. At any rate he said that just immediately before he saw the deceased walking up the road and joined her, just immediately before that he had a beer. 10 20 30

So Dr. Robert Mair said heavy drinking may cause amnesia, but it might also aggravate a tendency to amnesia. The doctor said that from his examination, the accused had an abnormality of mind which could cause amnesia, that is to say automatic behaviour. He said where you have amnesia, where you have a person having a blackout, that part of the memory is blotted out and he never remembers afterwards what took place within that period of blackout or amnesia. He said that amnesia is a state where the mind does not record anything - that state is forever lost. If a person has passed into a state of amnesia you would expect his memory to be clouded - clouding of consciousness; and he was asked in cross-examination, "If you find the memory is functioning immediately after the alleged period of amnesia, as before, is that a factor against any amnesia?" and he said yes. So, of course, you 40

bear in mind what the accused said happened up to the time of the incident, the details that he gave, and you bear in mind what he said afterwards - the details that he gave of the various places to which he went, of the things he said, and you must say whether that evidence indicates that his memory was functioning as well immediately after the alleged period of amnesia as well as before, and what Dr. Mair said is that if that is so that is a factor against any amnesia.

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Dr. Mair said the accused said his mind was a complete blank. This is what the accused is supposed to have told the doctor while he was examining him: he said the accused said he can remember being with his mother and the deceased, and the deceased spitting at his mother. He then said that there was a blank in his memory, and he remembers being arrested. He recalled nothing of his movements from the time of the spitting until he was arrested. Of course, if you believe the accused did tell Dr. Mair this, that is contrary to what he has said here, because if you accept what he told you he did remember his movements after he left the scene. Remember he said where he went and so forth, and, members of the jury, as far as this question of blackout is concerned, another factor to bear in mind is that the accused has not said that he took the cutlass from his mother. In other words, he would have you say, or he would ask you to infer that he did that while he was in this state of blackout; but bear in mind, if you believe the evidence of Constable Oliver Johnson, that the accused took him some chain and a half from where he saw the accused at his mother's house, to the house where he, the accused, lived and showed him the cutlass in court which Meva Arthurs identified, and which, if you accept her evidence, is the cutlass which the accused used to chop deceased, and if he was in this state of blackout how does he know where this cutlass was; because the prosecution ask you to infer from the fact that he took the Constable and showed him the cutlass that he knew where the cutlass was; and if he knew where it was, how did it get there? how did he know it was there if he didn't know what he was doing, if he didn't know that he had handled a cutlass at all? So that is another matter which you bear in mind on this question of this blackout. As I say, from what the doctor said the accused told him, he doesn't recall anything of his movements from the time of the spitting up to the time when he was

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arrested. The doctor said an automatic state would apply to a person acting during amnesia and being unable to recall it. He said usually a person in this state initiates something new like taking off his clothes or urinating in public, and he was asked the question: "Does the brain during such a state exercise any freedom of choice?" and he said no. Then the case for the prosecution was put to the doctor and he was asked whether the fact - if it is alleged that the accused took a machete from his mother and attacked the deceased in the circumstances described, whether that was not more consistent with the accused working out what was in his mind than with his doing something that he does not know anything about, and the doctor agreed that that is so. The doctor said it is against an automatic state when a person chooses to kill the person against whom he had a disagreement, when the accused - I am sorry, it is against an automatic state when the accused chooses to kill the person against whom he had the disagreement. He said in an automatic state he might have attacked his mother as well as the girl, and the fact that he attacked the girl with whom he had a disagreement, as against his mother, is against the accused being in an automatic state. He said drinking could precipitate the amnesia, but if the accused had been drinking he would expect to find cloudiness of memory after the passing of the phase of amnesia or blackout. He said he would expect it to be prolonged, as long as the alcohol is in the body. He said any increase in the fluid in the body might precipitate amnesia, and then in re-examination he said in this state of amnesia sometimes a person can have a loss of memory of events which took place immediately before this blackout or state of amnesia, and sometimes he can have a good memory of events right up to the instant before the period of blackout. He said after this period of blackout a person in that state would be in a confused state and he comes back gradually to full awareness. He said sometimes people are in this state for days afterwards, others for only a few minutes. Well, you bear that in mind. The accused said, apparently, after two minutes he regained his consciousness and walked off.

He said a person, during a blackout, is not fully conscious of what he is doing; it could be said that such a person is being controlled by his sub-conscious mind, and it is possible for events

10 prior to the state of amnesia to influence his
 actions during this state. I suppose what learned
 counsel for the defence is driving at here is that
 the fact that he attacked the deceased and not his
 mother does not necessarily indicate that he was
 in this state, because the doctor said it is
 possible for the events prior to this state of
 amnesia to influence his actions during that state;
 and he said this would take place even though the
 amnesia had substantially impaired his mental
 responsibility; and the doctor was asked this
 question, "Would a slight blow on the head send
 him into this state of amnesia?", and of course,
 members of the jury this question is asked because
 of what the accused said in his statement. You
 remember, as I told you, he said it is this butt
 which he got from the deceased that caused this
 dizziness, and apparently caused this loss of
 memory, or this blackout. Well, the doctor is
 20 asked whether a slight blow would send him into
 this state of amnesia, and the answer the doctor
 gave is, it is possible but not usual. He said
 people go into this state for no good reason. In
 other words, the blow wouldn't necessarily cause
 him to go into this state although it is possible;
 but he says you can go into this state for no very
 good reason. So, members of the jury, when you are
 considering whether or not the deceased did butt the
 accused as he said, remember I told you you will have
 30 to decide whether that in fact did take place. If
 you find that did take place then of course it is a
 matter which you bear in mind when you are consider-
 ing whether he was in a blackout or not. Even if you
 do not find - if you disbelieve the accused, that the
 deceased did butt him, according to what Dr. Mair said,
 it is still possible, even without any blow, for the
 accused to have gone into this state of amnesia,
 especially bearing in mind the drinking which he said
 he was indulging in that morning, and the doctor said
 40 the behaviour of a person is irrational while he is in
 this state of amnesia. He said people in this state
 have killed people for whom they have no illwill, and
 have been known to kill people for whom they have
 illwill.

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So that is the evidence given in the case in
 regard to this question of amnesia, and you will have
 to say what you make of it. Do you believe that this
 accused was in this state of amnesia? Did the accused
 knowingly, being conscious of what he was doing, did

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he knowingly, consciously and voluntarily chop this deceased, or was he acting as an automaton, without any control or knowledge of the act which he was committing? If he did not know what he was doing, members of the jury; if his actions were purely automatic and his mind had no control over the movement of his limbs, then you will have to find him not guilty of any offence at all, and if you are not sure whether he was in that state or not - in other words, if you are not sure whether he did these acts voluntarily, knowing what he was doing, if you are not sure about it, since the prosecution have to satisfy you to make you feel sure that he did commit the act voluntarily, knowing what he was doing, if you are not sure about it, then you must also acquit him of this charge, or of any other charge.

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Now, if you are satisfied, if you feel sure that he was not in a blackout, what is the position as regards any offence which he might have committed. Well, members of the jury, if you feel sure that he was not in a blackout, that he chopped this deceased voluntarily, deliberately, knowing what he was doing, you will have to say whether or not he had the necessary intention, that is to say whether he intended to kill the deceased or to inflict really serious bodily injury on her. I have told you how intention is proved, that is to say by inference from the conduct of the accused. You judge his intention by his conduct, by what he said and by what he did. As regards the question of intention, if you are considering his intention you bear in mind the evidence of Veronica Reid of what the accused said to her after the incident with the two girls on the night or evening of the 21st of April, when the accused said, "If is station these two girls gone Martina will have to tie her belly." It is for you to say whether or not that was indeed said by the accused. If you believe it was not said or you are not sure whether Veronica Read is speaking the truth, then you must discard it; but if you believe the accused did make this statement you will have to say what it means. What do you infer from a statement of that nature. Of course, members of the jury, people use words idly sometimes - it might be just an idle threat, if you think it was a threat at all. So bearing in mind all that you will have to say what weight you attach to it. Apart from that, the accused, according to Veronica Reid, is alleged to

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have said on the 24th, in the morning - of course he is alleged to have repeated this too, members of the jury, on the twenty-second, after Veronica Reid told him that the police had come there, the accused is alleged to have said, "All I know if them gone to station and make anything happen, Martina will have to tie her belly for one because she won't scold them." And what I said about the previous statement applies equally to this. Did the accused make the statement? If you believe he didn't make it or you are not sure about it, you must discard it. If you believe he did make the statement it is for you to say what it means what weight you are prepared to attach to it. Does it assist you in any way in deciding the question of his intention on the 24th? If you find that he did chop this deceased to death, does it assist you in deciding what was in his mind at the time?

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Now, further, Veronica Reid said that on the 24th, after the accused had been served a summons and she had gone down with him to his room and he took up the file which she took away, she said she spoke to the accused and the accused said 'what I have in my mind neither you nor Mum can take it out'. You will have to say again, was this statement made? Do you believe it was made? If you do not believe it was made or you are not sure about it, you must discard it. You bear in mind that the accused in his statement does not say he made this statement, and he is asking you to say he did not make the statement - so it is a question of fact for you to say whether he did make the statement. If he did make it, you will have to say what you make of it, what does it mean, and depending on what you say it means you attach what weight you think fit to the statement.

But members of the jury, in considering this particular statement 'what I have in my mind neither you nor Mum can take it out', bear in mind that just previously to this, just shortly before, the accused had said to Veronica Reid that the summons won't be of any use to him because 'how long anybody live they won't see him go to court'. Now if he said that, it could be that when he was saying what he had in his mind can't be taken out, it might be that he was saying - I don't know - that perhaps he was going to do away with himself or something to that effect, if he said they won't be of any use to him because how long anybody live they won't see him go to court. It seems that perhaps

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he won't be present anywhere to go to court, so when he speaks about what he has in his mind can't be taken out, it might be something quite different to what the prosecution wants you to believe he meant. You will have to say, taking all that into account, what meaning you attach to the statement, and you must say if it can assist you in deciding the state of mind of the accused, his intention at the time when this act was committed. And, members of the jury, when considering - you see what the prosecution asks you to say is that the accused made up his mind to kill this woman before this actual killing took place; that he was here merely carrying out an intention which he had formed previously arising perhaps from the fact of the girl leaving him, taking away the chairs - I don't know; or perhaps coming for the bed and then the incident that took place on the evening of the 21st, the taking out of the summons against him - because of all these circumstances he had made up his mind to kill this girl. That is what the prosecution asks you to say.

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Now when you are considering whether he had made up his mind to kill her prior to the incident on the spot on the 24th, bear this in mind that the accused did not leave his house on the 24th. When he left after getting the summonses he did not leave with any weapon at all. Of course he took up a file and it was taken from him, and when he was asked - according to Veronica Reid - whether he was going to file a cutlass, or a machete, it was taken from him. Maybe it was taken up quite innocently, but the fact is, according to the evidence, he did not leave his house with any weapon at all, and he didn't go straight to the house of the deceased at all. According to the evidence of Joyce Tucker the accused was at the shop when she was passing, herself and the deceased, and the accused apparently did nothing or said nothing, and even at that stage he had no weapon.

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So you take all that into account, members of the jury, in deciding whether the accused had made up his mind prior to the incident on the road, to kill the deceased. Of course in this connection, you also take into account the fact that it was only - according to the evidence - it was only when the deceased spat at or on his mother that he took the cutlass away from his mother and chopped her. In other words, it is for you to say whether the

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suggestion that it was on the spur of the moment that he decided to chop her. In other words, it was on the spur of the moment and not because he had made up his mind previously to do it. And you bear also in mind that it is not as if the accused and the deceased were quarrelling before the spitting incident; there is no evidence that there was any quarrel taking place between them at all. The evidence suggests that it is the spitting and that alone - it is a matter for you to say whether that is so or not - but it suggests that it is the spitting that caused him actually to take the cutlass from his mother and chop the deceased.

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Members of the jury, you saw the cutlass, it was handed to you, and some of you felt it, felt the weight of it. Of course in deciding the question of intention, you take into account any statement made by the accused prior to the commission of the act, in deciding what his intentions were; but in the absence of an expressed intention as I have told you, it is possible to find the required intention proved merely by the act that was done. In other words, if you believe that the accused used the cutlass that you saw in court, and chopped the deceased in the way that it is described, the injuries the doctor described, would any ordinary responsible person doing an act of that sort, realise that that would necessarily result in the death of the person he was attacking, or at least it would result in that person receiving really serious bodily injury. And if you are so satisfied that any ordinary, responsible person, would realise that, then independently of whether the accused made up his mind before this to kill the deceased or do her serious injury, by the mere fact of chopping the deceased in the way he did, you can infer from that act if you accept it that the accused had the intention required to establish the charge of murder. Well now, that doesn't mean he has committed an offence, the fact he might have chopped the deceased with the necessary intention, it does not mean he has committed murder, you still have to go a step further.

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Of course, the prosecution has to prove the accused had no lawful justification for doing what he did. In other words, they have to prove he did not kill the deceased in self-defence - that does not arise in the case, there is no suggestion or evidence

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on which you can reasonably find he killed the deceased in self-defence; as far as that is concerned, you might have no difficulty in saying the accused had no lawful justification for doing what he did, if you find he chopped the deceased. But, members of the jury, the fact he might have chopped the woman with the necessary intention required to establish the charge of murder, does not mean he has committed murder, because if he chopped her and caused her death as a result of legal provocation, as I have told you the offence committed would be manslaughter and not murder.

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So let us consider the question of provocation now. Learned Counsel for the defence has told you that the defence is not provocation; he said there is no provocation and he is not relying on that, but nonetheless I have to tell you about it for you to say whether you find that there was provocation. Now members of the jury, what is legal provocation? Provocation is some act or series of acts done by the deceased which would cause in any reasonable person, and actually caused in the accused a sudden and temporary loss of self-control. Some act, or series of acts done by the deceased or by somebody acting in agreement with the deceased to the accused, or in his presence which would cause in any reasonable person and actually caused in the accused a sudden and temporary loss of self-control. There are two main elements for this provocation. There is first of all, the act or acts of provocation; and secondly, there must be a loss of self-control both actual and reasonable whereby the accused retaliated resulting in the death. Now both the act or acts of provocation and the loss of self-control both actual and reasonable, must exist together - coexist - and the loss of self-control and the retaliation resulting therefrom must follow reasonably on the provocative act before there can be said to be provocation to reduce murder to manslaughter.

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Now as to the act or acts of provocation. Members of the jury, this may consist of things done to the accused or things said to him, or both things together; and as far as the question of loss of self-control is concerned what was done or said - and this you must listen quite carefully to - what was done or said must be such as would cause a

reasonable person, that is an ordinary responsible person, to lose his self-control; it must be such as would cause a sudden and temporary loss of self-control in a reasonable person; and it must actually have caused in the accused this sudden and temporary loss of self-control. To put it another way, the accused must have been so provoked that he lost his self-control, and a reasonable person would have lost his self-control in similar circumstances.

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10 Now as I said there must be a loss of self-control, so that if there is a formulation of a desire for revenge, it means that a person has had time to think and this would negate the sudden temporary loss of self-control which is of the essence of provocation. So therefore, circumstances which induce a desire for revenge are not enough. In determining whether the provocative acts were enough to make a reasonable person do as the accused did, Members of the jury, you must
20 take into account everything both done and said according to the effect which in your opinion it would have on a reasonable person.

Now what evidence is there of any provocation at all. Well you have the evidence of the accused, members of the jury, that the deceased butt him. If you believe the deceased butt him as he said, then of course that is something done by the deceased to him, and it is a matter which you may take into account in deciding this question of provocation.
30 Of course, if you don't believe he was butted as he said, then that would not be a factor to be taken into account. Then members of the jury, there is this question of the spitting. According to him the deceased spat a slimy spit - according to him - into his mother's face. Is that the sort of thing that would have an effect on a reasonable person, some both spitting in one's mother's face; would that be the sort of thing that would cause a reasonable person to lose his self-control? Of
40 course this question of the spitting - on the question of the spitting you will bear in mind that the accused said she actually spat in his mother's face, whereas Meva Arthurs who spoke of the spitting said that the deceased spat at the mother of the accused while the mother's back was turned - bearing all that in mind it is for you to say whether conduct of that sort would cause a reasonable person to lose his self-control and

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retaliate by inflicting serious injuries. And as I said, members of the jury, the law requires me to tell you that you must take into account everything both done or said according to your opinion as to the effect it would have on a reasonable person.

Well there are things - for instance, there is the fact that the deceased was living with the accused and left him because of a fuss. We don't know what the fuss was about. Of course, you bear in mind that the person has a right, especially if you are not married, you might think they have a right to leave another person if they wish - there is that, which is a matter you might consider if you think it is a matter which would cause any reasonable person to lose his self-control or might contribute it to the fact of her going to take away the chairs on the 17th of April - there is no evidence that the accused said or did anything on that day.

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There is the fact of the incident on the evening of the 21st, when the deceased and her sister went to take away her bed - it appears that the bed was not eventually taken away, but you remember what I told you took place on that occasion, when the accused was called a boy by Eunice and his reacting by going up and striking both Eunice and the deceased - showing, of course members of the jury, that he was angry because he was called a boy. The fact they took out summonses against him - of course if a person is assaulted they have a perfect right to go and take out a summons for the assault, and in considering whether a reasonable person would be affected by a matter of that nature to lose his self-control, you bear in mind there is a legal right to take out a summons and it is for you to say whether any reasonable person would be affected by that. It is a different matter where a person takes out a summons for another where it is not true, a deliberate falsehood, that the offence did take place, but it does seem from the circumstances - and the accused has not denied it - it appears he was quite prepared to pay the doctor's bills of Eunice and the deceased.

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(Time: 3.05 p.m.)

So it is not a case as if he was saying they

were telling lies on him. So, members of the jury, this is another matter which, if you think fit, you might take into account, and of course there is the evidence of Mrs. Veronica Reid, in cross-examination, where she said that when Eunice referred to the accused as a boy it upset him, and when she asked the accused about the file he was upset, he was upset from the 17th. That is to say he was upset from the 17th to the 24th; and in re-examination she said she noticed that the accused was vexed from the 17th. He and the deceased had had a fuss and he was vexed. So bearing all that in mind, members of the jury, taking the cumulative effect of all those circumstances, would all of those circumstances, culminating in the spitting by the deceased in the face of the mother of the accused (if you believe it), the butting of the accused by the deceased, taking all those circumstances into consideration, has legal provocation been made out. In other words, would all those circumstances, would all of them cause any reasonable person to lose his self-control; and did the accused in fact, as a result of those incidents, lose his self-control? If you find that that is so, then, members of the jury, even though he killed the deceased intentionally, he would not be guilty of murder, but he would be guilty of manslaughter. That is the position; and bear this in mind, that it is for the prosecution to prove that the act was not done under provocation. In other words, it is not for the accused to prove that he committed the act as a result of provocation; it is for the prosecution to prove that the act was not done as a result of provocation.

When you are considering this question of provocation there is one other matter that you have to consider. If you are satisfied, if you find that the accused did commit the act as a result of provocation you will have to consider the retaliation as against the type of provocation that he received. You have to determine whether the provocation under which the accused was labouring was enough to make a reasonable person do as the accused did. In deciding this question you must consider the provocation received and the manner of the retaliation, and ask whether a reasonable person provoked in the way that the accused was provoked would retaliate in the way that the accused retaliated. If a reasonable person would not retaliate in the way that the accused retaliated, the defence of provocation cannot avail the accused,

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because the standard fixed by law is that of the reasonable man, and you, the jury, must be satisfied not only that the accused was so provoked that he lost his self-control and retaliated, but that a reasonable man would have lost his self-control in the same circumstances, and do as the accused did. So, if you find that he was provoked by these circumstances that I have told you about, or any other circumstance in the case which you think fit, you will have to consider whether a reasonable person would retaliate in the way that the accused retaliated, and if a reasonable person would not retaliate in that way because of that type of provocation, then the defence of provocation is not made out. In other words, it would not avail the accused. As I say, he has not got to prove that he was provoked; it is for the prosecution to prove that he was not provoked. So the position is this, if you believe that the accused did what he did, acting under legal provocation, as I have defined it, you must find him not guilty of murder and guilty of manslaughter instead. In other words, it is open to you to find him guilty of manslaughter in those circumstances; and if you are not sure whether he acted under legal provocation or not, then the prosecution would have failed in their duty to prove that he did not act under provocation and you would, in those circumstances, have to find him not guilty of murder, but guilty of manslaughter. 10 20

Members of the jury, if you feel sure that although the accused killed the deceased deliberately, by a voluntary act, knowing what he was doing, that he had the necessary intention, and that he was not acting under provocation, if you feel sure about that, then, members of the jury, still he is not necessarily guilty of the offence of murder, because the law provides that where a person kills another he shall not be convicted of murder if he was suffering from such abnormality of mind, whether arising from a condition of arrested or retarded development of mind or any inherent cause, or induced by disease or injury, as substantially impaired his mental responsibility for his acts and omissions in doing the killing. In other words, the law says that even though a person kills another intentionally voluntarily, knowing what he was doing, he is not guilty of murder if he was suffering from diminished responsibility, from such abnormality of mind as substantially impaired his 30 40

mental responsibility for his acts.

In the St. Mary
Circuit Court

No. 15
Summing-Up
13th June 1967.
(Cont'd)

10 Now, I will tell you about diminished responsibility in greater detail. To satisfy the requirements of the law, the accused must show first of all that he was suffering from an abnormality of mind. That is the first thing; and then secondly, he must show that the abnormality of mind from which he was suffering arose from a condition of arrested or retarded development of mind or any inherent cause, or was induced by disease or injury, and was such as substantially impaired his mental responsibility for his acts in doing the killing. He must satisfy you that he had an abnormality of mind, and that it was caused by some condition of arrested or retarded development, or it was induced by disease or injury. In addition to that he must prove that as a result of this his mental responsibility for his actions was substantially impaired.

20 Now members of the jury, it is for the accused to prove that he was suffering from diminished responsibility. As I have told you the prosecution must prove his guilt and they have to prove everything which go to make up the offence of murder or manslaughter, but where an accused person relies on this defence which is created by law, then it is on him to prove it. Learned counsel for the defence says it is a peculiarity that in this case the accused has to prove something. It is not a
30 peculiarity, it is a defence which the law gives him, and which the law puts on him to establish. I suppose it is a peculiarity in the sense that usually everything that has to be proved has to be proved by the prosecution; but, members of the jury, whereas the prosecution must prove what they have to prove to the extent where you can feel sure about it, that is the degree of proof on the prosecution, the burden on him, the accused, to establish diminished responsibility, is not as heavy as that which rests on
40 the prosecution to establish his guilt. All that he need do is introduce evidence which satisfies you on a balance of probabilities that he was suffering from an abnormality of mind, and that it arose from retarded development or from disease or injury, and that his mental responsibility was substantially impaired. In other words, he has to prove that it was more probable than not that he was suffering from diminished responsibility.

In the St. Mary
Circuit Court

No. 15

Summing-Up
13th June 1967.
(Cont'd)

Now, the first thing he has to prove is that he was suffering from an abnormality of mind. Well, those words, members of the jury, mean a state of mind so different from that of an ordinary human being that the reasonable man would term it abnormal. It is wide enough - the term is wide enough to cover all aspects of the activities of the mind, not only the ability to observe and understand physical acts and matters, and the ability reasonably to judge or decide whether an act is right or wrong, but also the ability to exercise will-power, to control physical acts in accordance with that rational judgment or decision. That is what is comprised in this term abnormality of mind. 10

Whether the accused was at the time of the killing suffering from any abnormality of mind is a question for you, members of the jury, to decide, and of course on this question the medical evidence is of importance, and you are entitled to take into account all the evidence, including the acts and statements of the accused and his demeanour. You are not bound to accept the medical evidence, if there is other material before you which in your good judgment conflicts with and out-weighs the medical evidence. So that is the position. Was this accused suffering from an abnormality of the mind? We come back now to the evidence of Dr. Mair. Of course I have to remind you of the evidence that he had had this accident and was in this condition where he suffered from dizziness. On the question of whether he was suffering from an abnormality of the mind, the evidence of Dr. Mair is all important. Members of the jury, there is nothing else to support the accused in what he said, about the effect of this accident on him, the fact that he says he suffers all the time from dizziness. As I told you it is open to you to accept what he says; it is for you to say whether you are prepared to believe him; but this is what Dr. Mair said in relation to the abnormality of mind of the accused. We said he examined the accused, as I have told you before, and as far as the examination was concerned the accused gave a rational account of himself and there was nothing in the actual examination from which he could say the mind of the accused was abnormal, but he said an instrument - he ordered him to be examined, his brain to be examined by an instrument which is, apparently, designed for that purpose. It is called 20 30 40

an electro-encephalograph. The doctor said that he got the results of that examination and the record of the examination showed that the accused is abnormal mentally. He said it indicates that there is something wrong with his brain, and he said the psychiatric evidence is that he is suffering from an abnormality of mind and that could be caused as a result of the injury which the accused described, and it could also have been caused without any injury at all. Of course the accused has to prove that he had this condition - this abnormality of mind, and it is on this evidence that he relies for proof of the fact that he has an abnormality of mind. The doctor went on to say in cross-examination that there is something wrong with the functioning of his brain that could make him unaware of what he was doing. He said one could only be absolutely sure if the accused was seen in one of these states. He said he might have periods of abnormality - abnormal behaviour, which might be observed by a person who had him under observation for long periods. He said that this record made by this instrument showed waves, and it is from the nature of the waves that he came to the conclusion that the accused was suffering from this abnormality of mind. He said if the waves were a bit more abnormal he would have epileptic seizures; but of course, he says, there is no evidence that the accused has had any such seizures, and he does not give any history of any epileptic seizures. So, members of the jury, there you are. The doctor said there was no clinical - no, this is on the question of impairment. So far as the question of whether he had an abnormality of the mind is concerned, you have that positive evidence by Dr. Mair given, not as a result of any clinical examination - what he could see himself - but as a result of the evidence from this instrument. So it is for you to say whether, as the accused is required to do, he has satisfied you that it is more probable than not that he had an abnormality of mind, and, members of the jury, there is nothing in the evidence, as far as I can see which can contradict what this doctor said; there is nothing which you can take into account in saying he did not have an abnormality of mind. That is as far as I see it; so it is a matter for you; but on the question of whether the accused had an abnormality of mind, it seems to me quite clear on the medical evidence that he did have an abnormality of mind, but that isn't all the accused is required to prove. The accused is required to go further; he has to satisfy you that that abnormality was caused either from some condition

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of arrested or retarded development of mind, or some inherent cause, or was induced by disease or injury. There is no question of any disease here; there is no question of any arrested or retarded development of mind; the doctor said that this abnormality which he saw could have been caused by the injury which the history given by the accused disclosed. That is to say, this accident which he said he had in 1960, injuring his brain, where he was unconscious. So as far as that part is concerned it appears that you can also say that there is evidence on which you can find that he not only had an abnormality of mind, but that it was caused by this injury which the accused said he received; that is if you believe the accused did receive this injury. 10

So, members of the jury, on a balance of probabilities, how do you find? Do you say that the accused did have this abnormality of mind, and that it arose from the injury which he said he received? Even that is not enough. He has to go still further. He has to show not only that he had an abnormality of mind, and that it arose from this injury he received, but he has to show further that it was such as substantially impaired his mental responsibility for his acts in doing the killing. 20

Now mental responsibility, members of the jury, points to a consideration of the extent to which the mind of the accused is answerable for his physical acts, which must include a consideration of his ability to exercise will-power to control his physical acts. That is the meaning of mental responsibility. Well now, whether the abnormality was such as substantially impaired his mental responsibility for his act in doing the killing, is a question of degree and it is a matter for you members of the jury to decide. In other words, you will have to say whether there is any evidence on which you can say that the mental responsibility of the accused arising from this abnormality of mind, was substantially impaired - those are the words used in the statute - it must be such as substantially impaired his mental responsibility for his act in doing the killing. 30 40

Now as I say, you have to say whether it was substantially impaired or not. You have to decide,

of course, what the word 'substantial' means, because you are the judges of the facts. It does not mean total impairment, that is to say the mental responsibility need not be totally impaired, nor does it mean trivial or minimal, it is something in between those two, between total impairment and trivial or minimal impairment. You must decide whether his mental responsibility was impaired and if you find that it was impaired, you will have to say whether it was substantially impaired.

In the St. Mary
Circuit Court

No. 15
Summing-Up
13th June 1967.
(Cont'd)

So members of the jury, you will see that it is not just mere impairment, it must be substantial impairment. What is the evidence as regards that. We go back to the evidence of Dr. Mair - of course, the accused himself said he did not know what was happening at all, and you will bear that always in mind. This is what Dr. Mair said about this question. In examination-in-chief he said nothing at all about the mental responsibility of the accused being impaired at all, he said nothing. In cross-examination he said that he has come across people who have some abnormality of mind but whose mental responsibility is still quite good. He said abnormality of mind does not necessarily produce any diminishing of mental responsibility, the fact that a man's mind might be abnormal does not mean it affects his mental responsibility at all. He said he found no clinical evidence of intellectual impairment in the accused. He said he looked to him a normal person and he acted a normal person - and as far as that is concerned, in re-examination the doctor said that people with the abnormality disclosed in the E.E.G. examination appeared abnormal for short periods only, otherwise they appear normal, and the accused would appear absolutely normal to him if he was not in one of those short periods or phases.

The doctor said, if damage to the brain was severe, he would expect it to produce some intellectual impairment. Of course he did not see any. He said that during this period, that is to say when the incident of the chopping took place, it seems possible that the accused's mental responsibility was impaired, but that is if there was this blackout or amnesia. He said if there was no amnesia then there was no impairment of responsibility, and it seems to me that what it boils down to is this - remember I dealt with amnesia on the question of whether the

In the St. Mary
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(Cont'd)

accused was acting as an automaton or not and I told you if you find he was acting as such, where he was acting purely unconsciously, then he would not be guilty of any offence at all.

Now it seems to me that if you find from the evidence that the accused was not in any state of blackout at all, he was not suffering from amnesia at all, the result of that would be that there would be no evidence from which you could say that he was suffering from any diminishing of his mental responsibility ... In other words, from which you could say his mental responsibility was impaired at all; because the doctor said that assuming that he had this, the effect of what he said - assuming the accused did have this blackout phase when this incident took place, then he would say that his mental responsibility was impaired. In other words he is basing it on the fact that the accused said he had a blackout, and if there was no blackout there would be no impairment of responsibility. That is what it appears to me that the doctor's evidence amounts to.

And there is what the doctor said in answer to a question from a member of the jury, that some change came over the accused which rendered him not fully in control of what he was doing, and it also caused him to be unable to register what he was doing. Of course he gives that on the basis that the accused did have a blackout, did suffer from amnesia on the occasion. So it comes back to the question of whether you find that the accused did suffer a blackout. If the accused did suffer this blackout, did have this amnesia, then according to what Dr. Mair says, his opinion is that the mental responsibility of the accused would be impaired in those circumstances. Whether you can say that it would be substantially impaired, as the statute requires, is a question of fact for you to decide in all the circumstances; but it seems to me, if you find there was no blackout and you feel sure about it, there is no evidence on which you can say that the mental responsibility of the accused was impaired at all, yet alone to say that it was substantially impaired.

Now, members of the jury, that is all I have to say. If the evidence of Dr. Mair taken with the evidence of the accused - if on that evidence you

find that it is more probable than not that the accused was suffering from the abnormality of mind which arose from the injury he has told you about, and that it substantially impaired his mental responsibility for his acts, if you are satisfied about that, on a balance of probabilities, then you must find the accused not guilty of murder and instead you find him guilty of manslaughter on the ground of diminished responsibility. And here again, if you are not sure whether he was suffering from diminished responsibility or not, you must say that he was suffering from diminished responsibility and find him guilty of manslaughter instead of murder.

It is open to you to convict the accused of murder, if you are satisfied that he killed the deceased deliberately by a voluntary act, he knew very well what he was doing, was conscious of his acts on the occasion, and that he did it intending either to kill her (the deceased) or to cause her serious bodily injury; he was not at the time acting under any provocation; he was not acting in self-defence; and the state of his mind, he was not suffering from diminished responsibility. In those circumstances, if that is what you find, and you feel sure about all of that members of the jury, then it is open to you to convict him of murder.

So it is open to you to acquit the accused if you find either that he didn't commit the act at all, or he committed it but he didn't know what he was doing, he was unconscious of his action - in other words, he was acting as an automaton; if you find that, or you are not sure about it, you must find him not guilty.

You may convict him of manslaughter if you find that he committed the act but he was acting under legal provocation, or if he was not acting under provocation he committed the act but he was suffering at the time from diminished responsibility. And you may convict him of murder if you find that he did the act deliberately, with the necessary intention; he was not suffering from diminished responsibility; he was not acting under legal provocation; and he was not acting in self-defence. If you feel sure about all of that, then you may convict him of murder. If you are not sure whether to convict him of manslaughter or to acquit him, you must acquit him; and if you are not sure whether to convict him of murder or manslaughter,

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In the St. Mary Circuit Court you must convict him of manslaughter. Now will you please consider your verdict. Time 3.38 p.m.

No. 15
Summing-Up
13th June 1967.

Jury retire under sworn guard at 3.40 p.m.

(Cont'd)

135.

3.53 p.m. - JURY RETURN. ROLL CALL TAKEN.

No. 16
Verdict and
Sentence

No. 16

Verdict and Sentence

13th June 1967.

V E R D I C T

REGISTRAR: Mr. Foreman, Members of the Jury,
have you arrived at your verdict?

FOREMAN: Yes, ma'am.

REGISTRAR: Have you all agreed on the same
verdict?

FOREMAN: Yes, ma'am.

REGISTRAR: How say you, is the Prisoner,
Glasford Phillips, guilty or not
guilty of murder?

FOREMAN: The prisoner is guilty of murder.

REGISTRAR: You say the prisoner is guilty of
murder; that is your verdict and
so say you all?

FOREMAN: Yes. So say all of us.

P R O C L A M A T I O N

S E N T E N C E

REGISTRAR: Glasford Phillips, the jury have
found you guilty on this indictment,
do you wish to say anything why the
sentence of the court should not be
passed upon you?

ACCUSED: I would like to speak to me Barrister,
ma'am.

HIS LORDSHIP: Mr. Douglas, is there anything you
wish to say?

No.16

Verdict and DEFENCE COUNSEL: No, my lord.
Sentence

13th June 1967 HIS LORDSHIP:

Continued

Glasford Phillips, you stand convicted
of murder. The sentence of the court is
that you suffer death in the manner
authorised by law.

137.

No. 17

Notice and Grounds of Appeal

J A M A I C A

CRIMINAL FORM 1

In the Court of
Appeal

No. 17
Notice and Grounds
of Appeal
19th June 1967.

Filed 21/6/67

In The Court Of Appeal

NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO
APPEAL AGAINST CONVICTION OR SENTENCE

Criminal Appeal No. 96 of 1967.

TO THE REGISTRAR OF THE COURT OF APPEAL

Name of Appellant Glasford Phillips

Convicted at the Circuit Court held at (1) Port
Maria

Offence of which convicted (2) "MURDER"

Sentence "DEATH"

Date when convicted (3) 13th June, 1967.

Date when sentence passed (3) 13th June. 1967.

Name of Prison (4) St. Catherine District Prison.

I, the abovenamed Appellant hereby give you
notice that I desire to appeal to the Court of Appeal
against my (5) Conviction on the grounds hereinafter
set forth on page 3 of this notice

Signed (6) x Glasford Phillips

Appellant

Signature and address of witness attesting mark

Dated this (7) 19th day of June, 1967.

In the Court
of Appeal

GROUNDS OF APPEAL OR APPLICATION

No. 17
Notice and
Grounds of
Appeal
19th June 1967
Continued

- (1) The two main witnesses evidence were conflicting for the crown.
- (2) The Jury failed to follow the direction of the Trial Judge.
- (3) The verdict was unreasonable by the Jury.
- (4) Unfair Trial.

Barrister will supply additional grounds.

Sgd. x Glasford Phillips

Witness. x L. Grey
19/6/67

139.

No. 18

Supplementary Grounds of Appeal

J A M A I C A

COURT OF APPEAL

SUPPLEMENTARY GROUNDS OF APPEAL
CRIMINAL APPEAL NO. 96/67

In the Court of
Appeal
No. 18
Supplementary
Grounds of Appeal

(Undated)

IN THE SUPREME COURT OF JAMAICA
IN THE COURT OF APPEAL .
HOLDEN AT KINGSTON

R E G I N A

vs.

GLASFORD PHILLIPS

(MURDER)

TAKE NOTICE that at the Hearing of his Application for leave to appeal the Applicant intends to ask Leave to argue the Supplementary Grounds of Appeal set out hereunder:-

GROUND 1:

The directions of the Learned Trial Judge on the question of provocation vis-a-vis retaliation were inconsistent with the law.
(See pp. 99 (last paragraph)-100.

GROUND 2:

The Learned Trial Judge failed to direct the jury to approach the very material evidence of Meva Arthurs in accordance with the principle laid down in Regina v. Leonard Harris (1936) 20 C.A.R. 144 and the related series of Cases thereby prejudicing the jury's consideration as to provocation and Diminished Responsibility.
(See pp. 75,84 and 97 of Summing-up).

In the Court of
Appeal
No. 18
Supplementary
Grounds of
Appeal (undated)
Continued

WHEREFORE THE APPLICANT PRAYS:-

1. (a) that he be granted leave to appeal and
(b) that his application may be treated as the
Appeal.
2. that his conviction may be quashed, or,
3. A new trial ordered.

(S) R.L.A. Taylor

COUNSEL FOR APPLICANT.

141.

No. 19

JUDGMENT

In the Court of
Appeal

No. 19
Judgment

IN THE COURT OF APPEAL

4th October 1967.

CRIMINAL APPEAL No. 96/67

BEFORE: The Hon. The President (Ag.)
The Hon. Mr. Justice Moody
The Hon. Mr. Justice Eccleston

REGINA vs. GLASFORD PHILLIPS

Mr. Roy Taylor for appellant

Messrs. Whyte & Andrade for the Crown

4th October, 1967

PRESIDENT (Ag.)

The applicant in this matter was convicted at the St. Mary Circuit Court on the 13th June, this year of the offence of Murder and sentenced to death. He has applied for leave to appeal and has urged two grounds of appeal - one, that the directions of the learned Trial Judge on the question of provocation vis-a-vis retaliation were inconsistent with the law; two, that the learned Trial Judge failed to direct the Jury to approach the very material evidence of Meva Arthurs in accordance with the rules that were laid down in R. v. Leonard Harris, (1936), 20 C.A.R. 144 and the related series of cases, thereby prejudicing the Jury's consideration as to provocation and diminished responsibility. I shall deal with the second ground of appeal first.

The learned counsel for the applicant puts his submissions in this way. In the context of the case he submits the Judge's omission to advert the Jury's attention to the fact that the witness Arthurs having given contradictory evidence she should be regarded as unreliable and this must have prejudiced the Jury's consideration on the question of provocation and on that of diminished responsibility. He relies on the

In the Court
of Appeal
No. 19
Judgment
4th October
1967
Continued

decision of R. v. Mills & Gomes which is reported in 6 W.I.R. at page 418. It is significant to note that in the case of Mills & Gomes the contradiction which appeared in the evidence was in regard to a vital issue in the case. In the instant case the witness Arthurs, after relating the main part of the incident which took place went on to give evidence in chief that she had seen the applicant go through some bushes and throw away the machete. She subsequently, under cross-examination, retracted that statement and said that she had not seen that happen.

It is unfortunate that no attempt was made either by learned counsel in cross-examining the witness or indeed by the learned Trial Judge to seek an explanation of what was an apparent contradiction in the witness's evidence. In any case we are of the view that this piece of evidence was in relation to a collateral matter and not a vital issue in the case; and the learned Trial Judge dealt with it at page 75 in the following words:

"Remember she said in evidence she saw the accused walk through his aunt's yard and throw the machete in the bush. Eventually she said she didn't see that at all. That is evidence; she did tell a lie; and the evidence which you take into account in deciding whether you are prepared to accept the evidence that she gave."

We feel that in the circumstances that that was a perfectly adequate direction in which the Jury were invited to view Meva Arthurs' evidence against this lie, as it was characterised by the Judge, which she had told in relation to a certain incident in her evidence. We find, therefore, no merit in that point.

The first ground of appeal related to the question of provocation, and the passage in the learned Trial Judge's summing-up of which counsel complained is to be found at page 99. This particular passage appears at the end of some four pages in which the learned Trial Judge dealt exhaustively with this question of provocation; and is as follows :-

"When you are considering this question of provocation there is one other matter that you have to consider. If you are satisfied, if you find that the accused did commit the act as a result of provocation, you will have to consider the retaliation as against the type of provocation that he

received. You have to determine whether the provocation under which the accused was labouring was enough to make a reasonable person do as the accused did. In deciding this question you must consider the provocation received and the manner of retaliation and ask whether a reasonable person provoked in the way that the accused was provoked would retaliate in the way that the accused retaliated. If a reasonable person would not retaliate in the way that a accused retaliated, the defence of provocation cannot avail the accused because the standard fixed by law is that of a reasonable man and you the Jury must be satisfied not only that the accused was so provoked that he lost his self-control and retaliated, but that a reasonable person would have lost his self-control in the same circumstances and do as the accused did. So, if you find that he was provoked by these circumstances that I have told you about or any other circumstance in the case which you think fit, you will have to consider whether a reasonable person would retaliate in the way that the accused retaliated, and if a reasonable person would not retaliate in that way because of that type of provocation, then the defence of provocation is not made out. In other words, if would not avail the accused, as I say, he has not got to prove that he was provoked, it is for the Prosecution to prove that he was not provoked."

In the Court
of Appeal
No. 19
Judgment
4th October
1967
Continued

Learned counsel for the applicant in relation to that passage has submitted that in view of the decision of this court in R. v. Donald Bennett - it was decided on the 3rd of May, 1967 - the learned Trial Judge had charged the Jury as to when considering whether legal provocation was established they would have to consider the relationship, the retaliation as against the type of provocation that he received was a major misdirection, and that the development of this must have left no doubt in the minds of the Jury that they could only find legal provocation if in fact they came to the conclusion that the alleged act or acts of provocation bore a reasonable proportion to the retaliation by the accused. In directing the Jury in these terms, the Judge to all effects removed the question of provocation from the Jury.

In the case of Donald Bennett referred to by counsel, one of the grounds of appeal was in relation to the learned Trial Judge's direction on this question of provocation, and the passage of the Judgment of the court which deals with that particular matter is to be found at page 7 of the

In the Court
of Appeal
No. 19
Judgment
4th October
1967
Continued

Judgment and reads as follows :

"The other ground of appeal was that the direction to the Jury on the law of provocation amounted to a major misdirection as to the law which the Jury were to apply in this case."

and the passage of which complaint was made was to be found on page 43 of the summing-up where the learned Trial Judge more or less in the middle of his address on provocation had this to say:

"You are to bear in mind again, Members of the Jury, that the retaliation, the form of resentment showed by the accused must bear some proper and reasonable relationship to the sort of provocation that was given to the accused."

And further on -

"You have to ask yourselves whether what was done by the accused bears any proper and reasonable relationship to the words which the accused complains were uttered to him by the deceased, John Crosby, that is a matter that you will have to decide. There must be a credible narrative of events suggesting the presence of these elements that I have described to you. They are not to be detached in their relationship to each other particularly in point of time, whether there was time for the passion of the accused to be cooled, that is a matter of first importance."

After quoting the directions of the learned Trial Judge, the court then went on to say:

"This passage coming as it does in the middle of his directions of provocation shows that the learned Trial Judge was treating the principles of reasonable relationship as an element of provocation thereby directing the Jury that if the act of the appellant did not bear reasonable relationship to the words which the appellant complains were used to him, then the Jury cannot find there was provocation."

And in the Judgment of the Court this was a misdirection.

The two passages, that of the instant case and the passage which I have just quoted from the Judgment in Donald Bennett's case, are not dissimilar. We are satisfied therefore that the direction in the instant case amounted to a

misdirection.

In the Court
of Appeal
No. 19
Judgment
4th October
1967
Continued

The next question which arises for our consideration is whether such a misdirection when looked at in its total context has resulted in a substantial miscarriage of justice to the applicant. It is necessary to see whether there was material on which a view of the evidence most favourable to the applicant a reasonable Jury could form the view that a reasonable person provoked in the manner alleged could be driven through transport of passion and loss of self-control to do as the applicant did, and also the fact as to whether the applicant was acting under the stress of such provocation.

After close analysis of the evidence in the case, it is our view that the learned Trial Judge would have acted correctly if he had withdrawn the issue of provocation from the Jury. It is a significant fact in the case that learned counsel for the defence, that is, counsel appearing at the trial, explicitly stated in court that he was not relying on provocation as a defence. The learned Trial Judge seems in his summing-up to have treated as provocative acts certain incidents which counsel for the applicant had conceded could not properly form the subject matter of legal provocation. Furthermore, in view of the otherwise clear, explicit and accurate directions by the learned Trial Judge on the issue of provocation, it is impossible to say that the effect of the Judge's misdirection had in effect removed the issue of provocation entirely from the Jury.

We are satisfied in this case that the verdict of the Jury was not wrong and that the misdirection of the learned Trial Judge could not reasonably be said to have brought about the verdict. We have come to the conclusion that on the whole of the facts with the correct direction the only reasonable and proper verdict would be one of guilty of murder, and we apply the proviso accordingly.

The application, therefore, will be treated as a hearing of the appeal and the appeal is dismissed.

(S) C.G.X. Henriques

146.

No. 20.
Order

No. 20.

4th October 1967.

ORDER

J A M A I C A

COURT OF APPEAL

ORDER OF THE COURT

CRIMINAL APPEAL No. 96/67

R E G I N A

. vs .

GLASFORD PHILLIPS

(MURDER)

APPLICATION FOR LEAVE TO APPEAL

AGAINST CONVICTION

BEFORE: The Hon. Mr. Justice Henriques
The Hon. Mr. Justice Moody
The Hon. Mr. Justice Eccleston

On the 27th September, 1967
28th September, 1967
29th September, 1967
4th October, 1967

"Proviso applied. Application for leave to appeal treated as hearing of the appeal. Appeal dismissed."

147.

No. 21.

Order granting Special Leave to Appeal to Her Majesty in Council in forma pauperis.

AT THE COURT AT BUCKINGHAM PALACE

The 22nd day of March, 1968

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

Lord President

Sir Elwyn Jones

Mr. Secretary Steward

Mr. Marsh

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 19th day of March 1968 in the words following viz :-

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Glasford Phillips praying for special leave to appeal in forma pauperis to Your Majesty in Council from the Judgment and Order of the Court of Appeal of Jamaica dated the 4th October 1967 dismissing his Appeal against his conviction by the Saint Mary Circuit Court on the 13th June 1967 on a charge of murder:

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment and Order of the Court of Appeal of Jamaica dated the 4th October 1967:

"And Their Lordships do further report to Your Majesty that the authenticated copy under seal of the Record produced by the Petitioner upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Respondent)

In the Privy Council

No. 21

Order granting Special Leave to Appeal to Her Majesty in Council in forma pauperis

22nd March 1968.

In the Privy
Council

No.21

Order granting
Special Leave
to Appeal to Her
Majesty in forma
pauperis

as the Record proper to be laid before Your Majesty
on the hearing of the Appeal."

HER MAJESTY having taken the said Report into
consideration was pleased by and with the advice of Her
Privy Council to approve thereof and to order as it is
hereby ordered that the same be punctually observed
obeyed and carried into execution.

22nd March 1968.

Whereof the Governor-General or Officer administering
the Government of Jamaica for the time being and all other
persons whom it may concern are to take notice and govern
themselves accordingly.

W. G. AGNEW.

IN THE PRIVY COUNCIL

No. 7 of 1968.

O N A P P E A L
FROM THE COURT OF APPEAL OF JAMAICA

B E T W E E N

GLASFORD PHILLIPS

Appellant

- and -

THE QUEEN

Respondent

R E C O R D O F P R O C E E D I N G S

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Solicitors for the Appellant.

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Solicitors for the Respondent.