

C.A. Criminal Law - Murder - Voluntary Confessional Statement
given by applicant to police - applicant's Counsel informed
Court he has found no ground to sustain application for
leave to appeal - Annunciation for leave to appeal refused.

JAMAICA

IN THE COURT OF APPEAL

Venue

SUPREME COURT CRIMINAL APPEAL NO: 14/87

BEFORE: The Hon. Mr. Justice Campbell, J.A.
The Hon. Mr. Justice Downer, J.A. (Ag.)
The Hon. Mr. Justice Bingham, J.A. (Ag.)

R v. DEVON GREEN

Delroy Chuck for Appellant

Winston Douglas for Crown

July 27, 1987

CAMPBELL J.A.

The applicant was sentenced to death in the Home Circuit Court on February 3, 1987 for the murder of his girl-friend Paulette Hyatt otherwise called Sandra. The motive was jealousy or alternatively bruised ego. He discovered that Sandra had a common law husband with whom she was actually living long before and throughout her side affair with him.

On Friday morning 1st February, 1985, the deceased left her home at lot 755 Seaview Gardens, Spanish Town for work. Her partially mutilated body was recovered in the early morning of February 5, 1985 from a disused pit latrine at the back of premises numbered 64 Arnold Road, St. Andrew where the applicant resided.

The information leading to the recovery of the body of the deceased from this pit latrine was given by the applicant to Det. Cpl. Milton Simpson. This information was later confirmed by the applicant to Det. Sgt. Malcolm and thereafter the applicant gave a full and voluntary confessional statement to Det. Supt. Shirley.

The gist of this statement was that he had befriended the deceased from about August 1984 and had been providing her with money for her maintenance. He subsequently discovered that the deceased had another boyfriend. On Friday the 1st of February, 1985 one Graham visited him at 64 Arnold Road. He told Graham of the deceased infidelity and was advised by Graham to kill her. The deceased visited him about 6.30 p.m. on that same day and while they were inside, Graham returned and knocked on his door. He went outside and told Graham that the deceased was with him inside. He was again incited by Graham to kill her. He went inside and stabbed the deceased to death. He along with Graham deposited the body in the disused pit latrine and he the applicant thereafter covered the pit latrine with earth and stones.

On this evidence the jury had no difficulty in finding the appellant guilty of murder.

Mr. Chuck has candidly informed the court that having carefully perused the record, he has found no ground on which he could properly sustain the application for leave to appeal. We entirely agree with him. The application for leave to appeal is accordingly refused.