

Judgment Book

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 47/90

COR: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MISS JUSTICE MORGAN, J.A.

REGINA VS. PERVIS WHITE

Mr. Glen Cruickshank for appellant

Mr. Brian Clarke for the Crown

1st June, 1992

CAREY, J.A.

In the St. Elizabeth Circuit Court on the 13th of March, 1990 before Mr. Justice Harrison sitting with a jury, this appellant was convicted for manslaughter on an indictment which charged him originally with murder. He was charged jointly with a brother whose appeal was recently allowed and a new trial ordered. See R. v. Egbert White S.C.C.A. 45/90 delivered May 11, 1992. Leave was granted to the appellant because the court was concerned with whether the facts made him an accessory before the fact. The facts are set out in that judgment.

This morning, Mr. Cruickshank who filed a number of grounds complaining of the learned trial judge's direction with regard to the defence, put forward arguments touching and concerning the nature of that defence and the circumstances of the prosecution's case which implicated this appellant. We have examined these circumstances together and it is plain, that there was more than ample evidence upon which the jury could arrive at the verdict at which they did in fact arrive. We also agree that the learned trial judge's summing up on accessory before the fact was correct in all the circumstances of the case.