

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 110/87

COR· The Hon. Mr. Justice Carey, J.A.  
The Hon. Mr. Justice White, J.A.  
The Hon. Mr. Justice Wright, J.A.

R. vs. WELLESLEY WILSON

Mr. Canute Brown for the Crown

March 21, 1988

CAREY, J.A.:

We have before us this morning an application for leave to appeal against the conviction for Wounding with Intent. This conviction was recorded in the Portland Circuit Court before Gordon, J., and a jury, when he ordered that this applicant be kept at the Governor General's pleasure.

By virtue of Section 25 of the Judicature (Appellate Jurisdiction) Act, it is plain that this matter is not appealable.

The section reads as follow, and I quote:

"For the purpose of an appeal under Part IV or Part V, notwithstanding anything to the contrary," .....

and I read what is relevant -

"a special verdict found by a jury ..... shall be deemed to be a conviction of the person in relation to whom such verdict is found, so, however, " .....

and this is the important part -

"that in so far as such verdict relates to the insanity of such person, no appeal shall lie from such verdict if at the trial of such person evidence was given by him or on his behalf that he was insane so as not to be responsible according to law for his actions at the time of the act or omission charged against him as an offence."

At his trial, medical evidence was given to show that he was not responsible according to law. This case comes squarely within the terms of that provision and the application before us is, therefore, wholly, misconceived and will accordingly be struck out.