

The records of the Manchester Parish Court indicate that, on 23 October 2013, no order was made in relation to the offence at the request of Mr Wright following a payment of \$10,000.00 made to him in court by Mr Blake. This effectually brought the criminal proceedings against Mr Blake to an end.

[4] On 5 February 2016, Mr Wright filed this civil claim in the Manchester Parish Court in relation to the above-described incident.

[5] The trial of this claim took place on 4 February 2020. Mr Wright gave evidence that Mr Blake slapped him with the machete and as a result, he went to the hospital, was seen by a doctor and had a "black spot about six inches long and the width of the machete". He further testified that when the criminal matter went to court, he was asked by the presiding judge about the costs to him of his medical expenses. After informing the court that he had spent \$10,000.00, Mr Blake was ordered to pay this sum.

[6] The learned judge of the Parish Court found that although Mr Wright had proved that Mr Blake had slapped him with a machete and that he had endured pain and suffering, Mr Wright had failed to convince the court that the money that he had received in the criminal matter was not compensation for the injuries caused. This resulted in the non-suit of Mr Wright's claim.

[7] Mr Wilwood Adams ('Mr Adams') appeared as counsel for Mr Wright in the civil claim below as well as in the proceedings before this court and argued four grounds of appeal. The gravamen of Mr Adams's submission was that the learned judge of the Parish Court's decision to non-suit Mr Wright's claim was injudicious. He advanced that the learned judge of the Parish Court misdirected himself when he accepted that the money paid in court by Mr Blake to Mr Wright was a "settlement" of the criminal matter when it was in fact "costs" allowed under section 271 of the Judicature (Parish Courts) Act. Mr Adams also argued that since the issue of self-defence had been raised during the course of the trial, the burden of proof of the assault ought to have been shifted to

Mr Blake to prove and that the learned judge of the Parish Court ought to have placed him in the witness box first to justify the defence. He referred the court to the case of **Celest Kelley v Harvey Grant** (1969) 11 JLR 149.

[8] Notwithstanding Mr Adam's submissions, we find that there is no merit in any of the grounds of appeal. The procedural grounds advanced had no relevance to the factual circumstances that had to be considered by the learned judge of the Parish Court. The main question for this court's consideration is whether the learned judge of the Parish Court erred in concluding that the money that was paid to Mr Wright in the criminal proceedings was paid as full compensation for the injuries received.

[9] Mr Adams has not demonstrated any basis for this court to interfere with the decision of the learned judge of the Parish Court. The court records exhibited (in relation to the criminal matter) indicate that the amount of \$10,000.00 was paid as compensation. In his evidence before the learned judge of the Parish Court, Mr Wright stated that the trial judge (in the criminal proceedings) asked him how much it cost him "for the doctor bill etc" and that he told him \$10,000.00.

[10] At para. 33 of his reasons for judgment, the learned judge of the Parish Court indicated thus:

"33. The use of the word 'etcetera' incorporates additional considerations in arriving at the figure. It should be noted that when the response to the judge was given it was against the background where [Mr Wright] and [Mr Blake] were not friends and had not been friends for some time before this court appearance. It is therefore not unreasonable to infer that the answer to the judge by [Mr Wright] would have incorporated the pain and suffering he endured at the hands of his nemesis. It is therefore in light of the foregoing that I am minded to accept the submission by Mr. Gittens that the sum paid was for compensation and [sic] would have included considerations of the pain and suffering that sic [Mr Wright] experienced."

[11] There was no medical certificate tendered into evidence and no evidence lead as to loss of amenities. The learned judge of the Parish Court had, therefore, to determine whether any award should be made for general damages. Having considered the evidence in its totality including the credibility of Mr Wright, the learned judge of the Parish Court at para. 36 of his reasons found that Mr Wright was estopped from bringing the claim as \$10,000.00 had been received previously. He concluded that Mr Wright "...has failed to convince the court that the money he had received in the criminal matter was not compensation for the injuries caused".

[12] We find that a sound basis existed for such a determination. Accordingly, it is hereby ordered that:

- 1.The appeal is dismissed.
2. Costs of \$20,000.00 to the respondent.