

IN THE COURT OF APPEAL

SUPREME COURT'S CRIMINAL APPEAL NO. 42/71

Before: The Hon. Mr. Justice Edun - Presiding
The Hon. Mr. Justice Graham-Perkins
The Hon. Mr. Justice Hercules

R E G I N A v. Leary Walker

Mr. F.M. Phipps, Q.C. and Mr. Richard Small for the Appellant.

Mr. J.S. Kerr, Q.C. with Mr. G. James for the Crown.

3rd July, 1974.

EDUN: J.A.

In the matter before us, we have been asked to consider the other grounds of appeal which the learned attorney for the appellant submitted were not argued before this Court when appeal to the Privy Council was taken. The learned Director submitted that the only matter which merited consideration on appeal from this Court was the point that the learned trial judge failed to leave self-defence to the jury. He also submitted that the matter of the other grounds of appeal was considered by the Privy Council and he was invited to address them on those points. He did so, and in the final consideration their Lordships remitted the appeal and gave direction to this Court:--

".....for consideration only of the respondent's appeal against sentence."

After hearing the parties in their submissions, the majority of us are of the view that the only matter now before this court for consideration is the appellant's appeal against sentence.

Now, in the circumstances of the appellant abandoning his appeal against sentence, the sentence of the learned trial judge that the appellant serve life sentence, stands.