

GRENADA

IN THE COURT OF APPEAL

CRIMINAL APPEAL NO. 5 OF 1991

BETWEEN MICHAEL ALEXANDER - APPELLANT

AND

THE QUEEN - RESPONDENT

Before: The Honourable Mr. Justice Floissac - Chief Justice
The Honourable Mr. Justice Byron, J.A.
The Honourable Ms. Joseph, J.A. (Ag)

13TH FEBRUARY, 1992

JUDGMENT

FLOISSAC, C.J:

On the 18th March, 1991, the Appellant was convicted of the murder of David Tango Brooks and was sentenced to death.

The appellant appealed against his conviction on several grounds, all of which except one, ~~was~~ ^{were} withdrawn. The sole ground ultimately relied on was that although the learned judge adequately explained to the jury the law relating to the defence of provocation, he did not apply the law to the facts which lent themselves to that defence and did not put that defence to the jury.

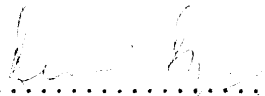
The learned D.P.P. properly and in the best tradition of her noble profession conceded that this was so.

Having studied the record carefully, we are satisfied that there was ample evidence that the deceased was killed as a result of his extreme provocation of the appellant.

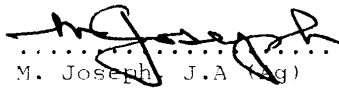
We, therefore, allow the appeal, set aside the verdict of murder, substitute the verdict of manslaughter, and sentence the appellant to imprisonment for a term of eight years.



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(Signed) V. F. Floissac, Chief Justice



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(Signed) C. M. D. Byron, J.A.



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(Signed) M. Joseph, J.A. (Ag)