

Ray Morgan (Appellant) v The King (Respondent) (Jamaica)

Case ID: JCPC 2022/0071

Jurisdiction: Court of Appeal of Jamaica

Case summary

Issue

- (1) Were grounds of appeal given to prison authorities by an inmate filed in compliance with the Judicature (Parish Court) Act?
- (2) Should the appeal court have allowed an appeal to be heard, even if it was out of time, given the circumstances of the case and the rights guaranteed by the Constitution of Jamaica?
- (3) Should the appeal court have quashed Mr Morgan's conviction given the circumstances of the case and the Privy Council's guidance in *Melanie Tapper v Director of Public Prosecutions* [2012] UKPC 26 on remedies?

Facts

Mr Morgan was convicted of four counts of obtaining money by false pretences at the Resident Magistrate's Court on 7 February 2011. A record of these proceedings has never been given to Mr Morgan.

By section 296 of the Judicature (Parish Court) Act, the deadline for Mr Morgan to draw up and file grounds of appeal (known as a "Form B1") with the Clerk of the Courts would have been 28 February 2011. Section 296 of the Judicature (Parish Court) Act states that, if the deadline is not met, the appeal is considered abandoned.

Mr Morgan maintains that he completed his Form B1 and submitted it to the prison authorities on 12 February 2011, as directed by them. Mr Morgan argues that this action fulfilled the requirements of section 296 of the Judicature (Parish Court) Act. The prison authorities did not do anything further with Mr Morgan's Form B1 by the 28 February 2011 deadline.

On 31 March 2021 Mr Morgan applied for bail, pending his appeal. On 28 April 2021 the application for bail was refused as it was held that the appeal had been abandoned. On 21 June 2021 the appeal court held that Mr Morgan had not complied with section 296 of the Judicature (Parish Court) Act in handing his Form B1 to the prison authorities and refused Mr Morgan's application to reinstate his appeal or extend time for filing his grounds of appeal. The appeal court also refused to quash Mr Morgan's conviction and held that it would not have been able to reduce Mr Morgan's sentences as they had already been served.

Mr Morgan now appeals to the Judicial Committee of the Privy Council.

Parties

Appellant

Ray Morgan

Respondent

The King

Appeal

Justices

Lord Lloyd-Jones, Lord Briggs, Lord Burrows, Lord Stephens, Lord Richards

Hearing start date

19 April 2023

Hearing finish date

19 April 2023

Watch hearing

19 April 2023 [Morning session](#) [Afternoon session](#)