

*Privy Council Appeal No. 10 of 1961*

John De Freitas    -    -    -    -    -    -    -    -    -    *Appellant*

v.

The Queen        -    -    -    -    -    -    -    -    -    *Respondent*

FROM

THE FEDERAL SUPREME COURT OF WEST INDIES

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 10TH JULY, 1961

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*Present at the Hearing:*

LORD GODDARD.

LORD DENNING.

LORD TUCKER.

[*Delivered by* LORD GODDARD]

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It appears to the Board that two questions arise here: firstly, what probative effect, if any, has a statement made by a prisoner from the dock who does not give evidence, and secondly, whether in a case of self-defence as distinct from provocation it is open to the jury to reduce a killing to manslaughter. Those seem to be the two points; but having fully considered what has been laid before them their Lordships are of opinion that it would be undesirable to decide questions of such importance in a case where the facts are so overwhelming that in accordance with their well settled practice they could not advise Her Majesty to allow this appeal as there is no possibility of a miscarriage of justice. Accordingly their Lordships will humbly advise Her Majesty that this appeal should be dismissed.

In the Privy Council

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JOHN DE FREITAS  
v.  
THE QUEEN

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DELIVERED BY  
LORD GODDARD

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