

**IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
ON APPEAL FROM THE COURT OF APPEAL OF THE
REPUBLIC OF TRINIDAD AND TOBAGO**

B E T W E E N:

URIAH WOODS

Appellant

and

THE STATE (No 2)

Respondent

STATEMENT OF FACTS AND ISSUES

PROLOGUE

1. This Statement of Fact and Issues is drafted without access to the Record.¹ It is structured as follows:

- i. Introduction
- ii. The respective cases at trial
- iii. Proceedings at first instance
- iv. Proceedings before the Court of Appeal
- v. Subsequent developments in the caselaw on provocation
- vi. How the issue of diminished responsibility arose
- vii. Summary of the fresh evidence
- viii. Issues for the Board to determine

¹. On 30 July 2025, the Board granted leave. On 11 September 2025, the Board directed by email as follows: *"I have been asked by the President and Deputy President of the Court to list this matter as a 2-day hearing for the 28 and 29 January 2026"*. In the interim period, despite requests, it has not been possible to secure the Record. This document will be updated when the Record is provided.

INTRODUCTION

2. On 30 July 2025, a Panel of the Board (Lord Reed P., Lord Richards and Lady Simler), granted the Appellant leave to appeal on two grounds, which are as follows **[EB 493; 389]**:
 - i. The fresh clinical evidence demonstrates that the Appellant was not guilty of murder but was guilty of manslaughter on the grounds of diminished responsibility ('Ground 1').
 - ii. The trial judge materially misdirected the jury as to the elements of provocation ('Ground 2').
3. In relation to Ground 1, the Panel refused the Appellant leave to argue that the fresh evidence demonstrates that he was not fit to plead or stand trial.
4. This is the second application for leave to appeal to the Board. On 8 December 2022, a Panel of the Board (Lord Briggs, Lord Sales, Lord Hamblen), refused the Appellant's application for leave to appeal (JPC 2022/0056) in the following terms:

"1) permission to appeal be REFUSED as the evidence of Dr Latham does not justify the grant of permission in circumstances where it recognises the need for a psychological assessment to be carried out and recommends a further psychiatric assessment. If such evidence becomes available and supports an appeal the Board would be prepared to reconsider the matter without prejudice to the other arguments raised by both the Appellant and the Respondent."
5. Since the Board's decision, the Appellant has secured further clinical assessments and reports, which are dealt with below.

THE RESPECTIVE CASES AT TRIAL

The prosecution case

6. It was the prosecution's case that the Appellant committed a premeditated murder.

7. The Appellant and the deceased, Sandra Miller, had been in a relationship for around 15 years. Together, the deceased and the Appellant had two children (Darion and Ryan) **[EB 356/3]**.
8. The prosecution suggested the relationship to have been marred by years of domestic abuse including threats to kill if she ever left him **[EB 356/3]**. In February 2005, the deceased left the Appellant following an incident where it is alleged that the Appellant beat his son, Ryan, with a cable. The deceased moved to another property referred to as Leeward Croft. The deceased entered into a relationship with Lawrence Stewart. On 3 July 2005, they became engaged.
9. During the morning of 14 July 2005, the Appellant saw Lawrence Stewart in the street, told him to leave the deceased and threw bottles at him **[EB 356/4]**. Later that day, during the evening, the Appellant went to Leeward Croft. He found the deceased and Lawrence Stewart in bed together. Ryan and Darion were also in the room. The Appellant struck the deceased 22 times with a cutlass. She died from her injuries. The Appellant also severed Darion's foot with the cutlass. The Appellant left the premises before being arrested **[EB/356/2]**.
10. The prosecution case was that the Appellant went to the property armed with a cutlass intending to use it. This, along with other evidence, negated any suggestion of a sudden and temporary loss of self-control **[EB 281 – 282]**.
11. On 16 July 2005, police officers identified the Appellant's location. They attempted to apprehend him, but he got away. The Appellant was shot. On 27 July 2005, the Appellant was found by officers in an unfinished house. The Appellant had infected gunshot wounds. He was taken to hospital. On 3 August 2005, the Appellant was discharged from hospital. He was taken to the police station and charged **[EB 357/5]**.

The defence case

12. At trial, the Appellant gave evidence in his defence. There were no other defence witnesses. The Appellant ran a defence of provocation, which meant

that he accepted that he was guilty of manslaughter, not murder [EB 287/44-50].

13. The Appellant stated that at the time of the alleged offending, he and the deceased were in a relationship. He denied any prior violence or threats. The deceased, he said, had moved out only for security reasons. Although they lived separately, he would often visit Leeward Croft and stay the night. He stated that on the night of 14 July 2005, he went to visit his wife and children. When he arrived, he was shocked to find the deceased in bed with Lawrence Stewart and he “*tripped*” or “*lost it*”. He said that, after the moment he saw them lying in bed, he remembers nothing until he awoke in hospital. The Appellant said that he did go to the property with a cutlass. He has no recollection of inflicting any injuries with a cutlass on the deceased or his son, Darion. [EB 357/6]

14. No issues were raised relating to the Appellant’s mental health at trial.²

PROCEEDINGS AT FIRST INSTANCE

15. On 3 May 2010, the Appellant was indicted for the murder of Sandra Miller [EB 107].

16. On various dates between 18 May 2015 and 9 July 2015, the Appellant was tried at the High Court of Trinidad and Tobago (Jack J. and a jury).

17. Materially, in his summing up on the defence of provocation, the trial judge directed the jury, inter alia, that:

“First, you must ask yourself whether the accused was so provoked, whether he was provoked in the legal sense. A person is provoked if he is caused by things that have been said and/or done by the deceased or by any other person to suddenly and temporarily lose his self-control. I repeat the definition of provocation, this is the definition of provocation.

A person is provoked if he is caused by things that have been said and/or done by the deceased, or by another person, to suddenly and temporarily lose his self-control. If you are sure the accused was not provoked in that sense, that it was not caused by something or things said or done by the deceased, Sandra Miller, and her fiancé (sic)

². This is subject to retrieving the Record, but certainly it did not play any relevant part in the summing up or defences advanced by the Appellant.

Lawrence Stewart, or by any other person, then the defence of provocation does not arise and Uriah Woods is guilty of murder.

But if you conclude so that you are sure that Uriah Woods was, or might have been provoked in the sense that I have explained, and that as a result of provoking words and/or conduct he suddenly lost his self-control, you must then weigh how serious the provocation was for this accused.

Now, the final part of your consideration would be, is there anything you have heard or anything you have been told about the accused which may have made what was said or done affect him more than it might any other man? Having regard to the actual provocation, and to your view as to how serious that provocation was for the accused, you must ask yourselves whether a person with the powers of self-control which are to be expected of an ordinary, sober, reasonable or normal person of the accused's age and sex, would have been provoked to lose his control and do exactly as Uriah Woods did on the night of the 14th July. ...Therefore, the ordinary, sober, reasonable or normal person in this context is a person who is not exceptionally excitable or eager or quick to argue or quarrel or fight. The ordinary sober, reasonable or normal person is possessed of such powers of self-control as everyone is expected to have from their fellow citizens. The powers of self-control each of you is expected to have is what we are dealing with.

If you are sure that such a person, as I have described to you, would not have done as Uriah Woods did in the given circumstances, then the Prosecution would have disproved or negated provocation, and the accused is guilty of murder.

If, however, you conclude that an ordinary, sober, reasonable or normal person of the accused's age and sex would or might have been provoked to lose his self-control in similar circumstances, and that such a person would or might have gone on to do exactly as the accused did, then in such a case your verdict would be one of not guilty of murder, but guilty of manslaughter by reason of provocation. ...

Were the actions of the accused of chopping Sandra Miller 22 times, and chopping off the foot of his son, were these actions what are to be expected of a reasonable man placed in those circumstances? That is the question you must ask yourself. ...

Now, this is what the accused has placed before you for consideration, that he suffered a sudden and temporary loss of self-control. He has asked you to accept the evidence he has given and find him not guilty of murder, but guilty of manslaughter. You must consider whether a person with the normal powers of self-control which are to be expected of the ordinary person, sober, reasonable or normal person of the accused's age and sex would have done exactly as he did?" **[EB 284 – 287]**

18. On 9 July 2015, the Appellant was convicted of murder and sentenced to death by hanging [EB 290-291].

PROCEEDINGS BEFORE THE COURT OF APPEAL

The Grounds of Appeal

19. The Appellant appealed against his conviction and sentence on the grounds that [EB 358]:

- i. The trial judge misdirected the jury on the law with respect to provocation in that he directed them to examine the reasonableness of the Appellant's reaction, and to consider the powers of self-control they themselves would exercise.
- ii. The trial judge admitted evidence that was more prejudicial than probative when he permitted the jury to see the partially severed foot of Darion Woods, and when he took the jury to see the locus in quo.
- iii. The trial judge erred in admitting evidence of post offence conduct, and failed to give the jury sufficient guidance on how they should deal with such evidence.
- iv. The trial judge failed to provide guidance to the jury as to how they should deal with the previous violent history of the Appellant. This Ground was abandoned at the appeal hearing.

The Court of Appeal's judgment

20. On 14 December 2017, the Court of Appeal (Yorker-Soo-Hon, Narine and Mohammed JJA) unanimously dismissed the appeal, concluding that:

- i. The terms of section 4B of the Offences Against the Persons Act, in particular, the requirement to assess "... *whether the provocation was enough to make a reasonable man do as he did ...*", required the jury to consider whether a reasonable man would have reacted as the Appellant did: [EB 362/16]. The jury is required to determine this question according to the effect the provocative acts and/or words would have

had on the reasonable man: **[EB 363/18]**. The law adopts the reasonable man test to introduce, as a matter of policy, a standard of self-control that is acceptable by contemporary society and to prevent wholly unwarranted acts of aggression regardless of the circumstances and gravity of the provocation: **[EB 363/19]**.

- ii. When directing the jury on the standard of the reasonable man, the trial judge directed inter alia that “*The ordinary sober, reasonable or normal person is possessed of such powers as everyone is expected to have from their fellow citizens. The powers of self-control each of you is expected to have is what we are dealing with*”. The Court of Appeal held that the trial judge did not direct the jurors to place themselves in the shoes of the accused, although it recognised that the last cited sentence added nothing, and added that trial judges should avoid inviting the jury to substitute themselves for the ordinary, reasonable man: **[EB 366/25]**.
- iii. The witness showing his partially severed foot was of some probative value as it corroborated his oral evidence: **[EB 366/28]**. There was no basis to conclude that the site visit caused prejudice: **[EB 367/29]**.
- iv. The failure of the trial judge to direct the jury not to infer guilt from the Appellant’s post-offence flight unless they were satisfied that it was consistent with guilt and was inconsistent with any other reasonable explanation did not cause a miscarriage of justice as the Appellant accepted that he inflicted the fatal injuries. The fact that the Appellant’s statement to the police on apprehension that he knew why the police had come for him conflicted with his evidence that he could not remember what had happened from the time he saw the deceased and Stewart Lawrence on the bed until he awoke in hospital, was something that the jury were entitled to consider in assessing the Appellant’s credibility: **[EB 369/ 39-40]**.

SUBSEQUENT DEVELOPMENTS IN THE CASELAW ON PROVOCATION

21. On 26 June 2023, the Court of Appeal of Trinidad and Tobago (Yorke-Soo Hon,

Moosai and Mohammed JJA³) handed down judgment in **Marcelline v The State** Crim. App. No. S015 of 2014. The CA considered the judgment of the Hong Kong Court of Final Appeal⁴ in **HKSAR v Liang Yaoqiang** FACC No. 9 of 2016, which concerned the statutory definition of provocation contained in section 4 of the Homicide Ordinance (Cap.339), which is identical to section 4B OAPA. The HKCFA concluded that:

“108. However, in respect of the objective question, the notion that the retaliation must bear a particular relationship to the provocation is one beset with conceptual difficulties. Where the person with ordinary powers of self- control has been provoked to the degree necessary to cause him to lose that self-control, there is an inherent contradiction in then going on to ask whether his actions in that state of loss of self-control bear some proportionate relationship to the provocation offered by the victim. As Elias CJ put it in *Rongonui*, this may seek to “invoke a rationality already lost.” ...

114. ... This requires the jury to consider whether, in the light of the gravity of the provocation on a person in the position of the defendant but with the ordinary powers of self-control to be expected in society today, that person might have formed the intention to kill or cause grievous bodily harm to the victim and have acted on that intention. This is a simpler test in which the magnitude of the response is absorbed into the evaluation of whether the provocation was sufficient to cause a person with ordinary powers of self-control to lose that self-control to the point of forming the intent to kill or cause grievous bodily harm and acting on that intent. It avoids the need for illogical and extremely difficult mental gymnastics on the part of the jury in trying to grade degrees of provocation and degrees of reasonable retaliation to such provocation. The defence of provocation is neither intended to be, nor capable of being, a matter of scientific measurement. Rather, it is intended that juries apply their common sense to the evidence to determine the result in any given case.

115. ... The jury should not be led into thinking that killing by inflicting 213 wounds would deprive the accused of the provocation defence, whereas killing by some lesser number of wounds would not.”

22. On the basis of **Liang Yaoqiang**, the CA of Trinidad and Tobago ruled that its decision in the Appellant’s case should no longer be followed in the following terms:

“109. No flaw had been identified in **Uriah Woods**. With the benefit of

³. Yorke-Soo Hon and Mohammed JJA both sat on the Appellant’s appeal.

⁴. Mr Justice Ribeiro PJ, Mr Justice Tang PJ, Mr Justice Fok PJ, Mr Justice Stock NPJ and Lord Millett NPJ.

the decision in **Liang Yaoqiang**, it is now evident that by focussing the jury on whether an ordinary person would have reacted in **precisely** the same manner as the appellant did, the attention would have been diverted from the true issue which arose for their consideration. That issue did not require the jury to consider whether the provocation was sufficiently grave to cause a person with ordinary powers of self-control to kill the victim in **exactly** the manner as the appellant had. Rather, it required the jury to focus on the question of whether the provocation was sufficiently grave to cause a person with ordinary powers of self-control to kill the victim, that is, to form the intent to kill or to cause grievous bodily harm and to act on that intent by whatever means. On this basis, we are of the very respectful view that, as it relates to this particular issue, **Uriah Woods** should no longer be followed.” (Original emphasis).

23. The Respondent reserves to written argument its position both (a) as to whether the Court of Appeal in **Marcelline** was correct to criticise the judgment in the Appellant’s case in the way it did, and (b) whether the approach adopted in **Marcelline** (in turn adopting the analysis in **Liang Yaoqiang**) is correct, in particular given the express terms of the statute and the policy reasons emphasised by the Court of Appeal in the Appellant’s case.

HOW THE ISSUE OF DIMINISHED RESPONSIBILITY AROSE

24. Simmons Muirhead and Burton were instructed on behalf of the Appellant on a pro bono basis on 6 March 2018.

25. The papers revealed a letter dated 9 July 2017 from the Appellant to Mr Daniel Khan, the lawyer instructed to represent the Appellant on appeal, which reads in relevant part as follows:

“I Uriah Woods am writing to remind you to please file as part of my legal arguments:- the fact of diminished responsibility or temporal insanity.

Base[d] on this[,] the State failed to send me for an evaluation in which was & still is needed (sic).

To date I still have memory lost (sic) as to what had transpired that leaded (sic) to my arrest.

Please Mr Khan you filed a ground on provocation but I have before and I am again instructing you to file these as part of my grounds of appeal. If more time is needed please make it known to the court because I need these two issues addressed. I will also be forwarding my concern to the appellate judges.” **[EB 481]**

26. In the light of this letter, the Appellant's legal representatives wrote to Mr Khan to see whether a psychiatric assessment had been undertaken. In an email dated 9 January 2019, Mr Khan responded as follows:

"I can say with some confidence from my own assessment that the Appellant is of low intelligence. He cannot read nor write, one has to break down everything that is said to him for him to understand and for it to be repeated several times; even then he stares at you in somewhat of a confused look. He does though understand basic issues such as loss of self-control.

He told me that he suspected his wife was poisoning him and he wanted to raise that issue at Appeal. I discussed it a few times with him and thought about whether it should be raised. He also said that he raised it with the Trial Attorney who did not think it should be raised either. I did NOT contact the trial attorney to discuss the issue and whether Uriah Woods did in fact tell the trial attorney that he believed his wife was poisoning him. ...

The issue of mental health of a murder accused is something that is now still developing in Trinidad and so far it has focused on fitness to plead. Therefore, unlike the UK, mental evaluations are not automatically done on murder accused."

27. On 14 February 2019, Simons Muirhead and Burton wrote to Mr Ken Wright, trial counsel, asking, inter alia, what if any assessments/investigations were undertaken regarding Mr Woods' mental health, including his mental health at the time of the offending, his fitness to plead, and whether he presented as having "low intelligence". No response was received.

28. On 2 September 2019 the Appellant's legal representatives instructed Dr Richard Latham, consultant forensic psychiatrist, to prepare a report on the Appellant on a pro bono basis.

29. On 10 October 2019, Dr Latham travelled to Trinidad and Tobago to assess the Appellant in prison.

30. On 28 March 2020, Dr Latham provided his final report **[EB 397 – 417]**. Dr Latham recommended, inter alia, that the Appellant be assessed by a suitable psychologist and that it may assist if a second psychiatric assessment is secured.

31. In the light of difficulties in securing the recommended further expert evidence, a decision was taken to apply to the Board for permission to appeal. On 8 December 2022, the Board refused leave but stated that if the psychological and further psychiatric assessments were undertaken and supportive of the Appellant's position, the Board would "*reconsider the matter without prejudice to the other arguments raised*" by the parties.

32. Thereafter, the following reports were produced:

- i. Psychology Report of Ms LeeWah-Cooper, dated 18 January 2024 **[EB 418 – 428]**.
- ii. Psychiatric Report of Dr Attard, dated 1 February 2024 **[EB 429 – 460]**.
- iii. The Joint Expert Statement of Dr Latham, Ms LeeWah-Cooper and Dr Attard, dated 2 October 2024 **[EB 461 – 464]**.

33. In March 2025, the Appellant's application for leave was submitted to the Board.

SUMMARY OF THE FRESH EVIDENCE

34. Without prejudice to the full terms of their reports, the conclusions in the Joint Expert Statement of Dr Latham, Ms LeeWah-Cooper and Dr Attard, dated 2 October 2024, can be summarised as follows:

35. First:

- i. The Appellant has mild to moderate learning (intellectual) disability such that he falls within the bottom 0.1 to 4 percent of people: **[EB 461/1]**.
- ii. The diagnosis of delusional disorder is likely to apply: mixed - jealous and persecutory type: **[EB 461/1]**.

36. Second, at the time of the offence:

- i. The Appellant likely suffered with an abnormality of the mind arising from his impaired intellectual functioning and delusional beliefs: **[EB 461/1.1.1]**.

- ii. The Appellant's intellectual impairment severely impaired his general cognitive functions (understanding, communication and reasoning): **[EB 461/ 1.1.2.1]**.
- iii. The Appellant's intellectual impairment and delusional beliefs were likely to have had an impact on his ability to exercise rational thought. Delusions are, almost by definition, irrational: **[EB 461/ 1.1.2.2]**.
- iv. The Appellant's delusional beliefs would not have absolutely prevented him being able to appreciate the consequences of his actions. However, in the moment, he was likely to have been impaired because of the cognitive problems he has, which are identified, in the neuropsychological assessment: **[EB 461/ 1.1.2.3]**.
- v. The neuropsychological assessment provides evidence that the Appellant's ability to exercise self-control was impaired. The delusional beliefs would also contribute to the impairment to exercise self-control: **[EB 462/ 1.1.2.4]**.

37. Third, delusional disorder is a recognised medical condition within the ICD-11 and DSM-V. The onset of the Appellant's delusional disorder cannot be accurately described, but it was likely present at the time of the index offence. The Appellant's mental disorder was a contributory factor to the index offence: "*our opinion is that delusional disorder had a significant impact on him so that violence was more likely*": **[EB 463/5]**.

38. While the Board has refused the Appellant leave to appeal on the basis that he was not fit to plead or to stand trial, the Respondent accepts that questions over the Appellant's intellectual and cognitive ability may go to the question of the instructions given by the Appellant to his trial counsel and more generally the failure to raise diminished responsibility at trial.

ISSUES FOR THE BOARD TO DETERMINE

39. The issues are as follows:

- i. In relation to the Ground on diminished responsibility:

- a. Does the fresh evidence demonstrate that the Appellant's conviction for murder is potentially unsafe?
 - b. Should the fresh evidence be admitted?
 - c. If so (a) should the Board substitute a conviction for manslaughter on the grounds of diminished responsibility, or (b) order remission to the Court of Appeal?
- ii. In relation to the Ground on provocation, did the trial judge materially misdirect the jury as to the elements of the defence of provocation (including consideration of the correctness of the approach in **Marcelline**)? In particular:
- a. Was the judge's direction deficient as to whether the "*provocation was enough to make a reasonable man do as he did*" (the objective inquiry)?
 - b. Does any deficiency established render the conviction unsafe on this ground (including consideration, if appropriate, of the proviso)?
 - c. The Appellant intends to submit that the fresh evidence renders the judge's direction deficient as to whether the Appellant "*was provoked*" (the subjective inquiry). The Respondent's position is reserved as to whether the Appellant is entitled to make those submissions. It shall respond in its Case".

17th November 2025

EDWARD FITZGERALD K.C.
GRAEME L. HALL
Doughty Street Chambers, London

Counsel for the Appellant
Appearing pro bono

ROWAN PENNINGTON-BENTON

3 Hare Court, London

Counsel for the Respondent