

SAINT VINCENT AND THE GRENADINES

IN THE COURT OF APPEAL

MAGISTERIAL CRIMINAL APPEAL NO: 03/95

BETWEEN:

JEFFREY CONLIFFE

APPELLANT

AND

THE COMMISSIONER OF POLICE

RESPONDENT

Before:

The Rt. Hon. Sir Vincent Floissac	-	Chief Justice
The Honourable Mr C.M. Dennis Byron	-	Justice of Appeal
The Honourable Mr Satrohan Singh	-	Justice of Appeal

Appearances:

Mr Richard Williams for the Appellant
Mr Briars Cottle for the Respondent

March: 29, 1996

JUDGMENT

The appellant was convicted of indecent assault of a child (the complainant) under the age of 15 years. The indecent assault complained of was the appellant's sexual intercourse with the complainant who testified that the appellant put his penis in her vagina. No other act amounting to indecent assault was alleged by the complainant.

The indecent assault (the sexual intercourse) was convincingly disproved by Dr Miriam Sheridan who testified that "there was no sign of external bruises. Hymen was in fact intact. All other physical examination was normal." The testimony of Yvette Brown that she saw the complainant and the appellant

lying

sideways on the bed was not corroborative of the indecent assault complained of. Nor was that testimony indicative of any indecent assault whatsoever.

In those circumstances, it cannot be said that the prosecution proved beyond reasonable doubt that the appellant committed indecent assault by way of sexual intercourse or by any other means whatsoever. For these reasons, the appeal is allowed, the conviction is quashed and the sentence is set aside.

Floissac

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Vincent F.

Chief Justice

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C.M.Dennis Byron
Justice of Appeal

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Satrohan Singh
Justice of Appeal