

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 222/06

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
THE HON. MR. JUSTICE DUKHARAN, J.A.
THE HON. MISS JUSTICE PHILLIPS, J.A.**

MICHAEL BECKFORD v R

Applicant unrepresented

**Ms. Natalie Brooks, Assistant Director of Public Prosecutions & Mrs.
Paula Roseann Archer-Hall, Crown Counsel (Ag.) for the Crown**

18th January 2010

ORAL JUDGMENT

PANTON, P.

1. This applicant Mr. Michael Beckford, was convicted in the Circuit Court for the parish of Saint Catherine before Miss Justice Mangatal and a jury on two (2) counts of buggery. Both counts relate to the same complainant whose name will not be referred to. The first count specifies that the offence was committed on a day unknown between the 1st day of January 2003 and the 31st day of December 2003 and the second count relates to the offence having been committed between the 1st day of April 2005 and the 30th day of April 2005. The conviction was recorded on the 12th day of December 2006 and the applicant was

sentenced on the 13th. On each count he was sentenced to five years imprisonment and it was ordered that the sentences were to run concurrently.

2. The complainant at the time of the offence was a schoolboy in his early teens. He lived in the area in which the applicant lived. Initially, contact was made by the applicant with this youngster in the Portmore Mall where he indicated to the youngster that he had a "game boy" for one Errol. He gave the impression that it might have been for the youngster's father whose name is Errol. Subsequently, the applicant was on the same public transportation as the complainant and he lured him to his, the applicant's, house where the complainant was ordered to remove his pants, and the assault took place. This happened on more than one occasion on subsequent days. Indeed, the applicant instructed this young complainant that he was to report on Mondays, Wednesdays and Fridays at the same venue for similar activities and threatened him and his family with harm if he were to tell anyone. On each occasion the youngster was in his school uniform.

3. Eventually the youngster's father saw him with a bank card and money that he was not expected to have and further investigation led the father and what appeared to have been a "posse" one night to the home of the applicant. There, they removed the door of the applicant's house, seized him and handed him over to the police. The complainant was with his father and the group of persons at the time and indeed the applicant was heard to call the complainant's

name inquiring why he had brought people to his house. When this party had gone to the applicant's house, the complainant had called out to him by a name which he, the applicant, had given which was not his real name. The applicant was arrested and charged. He denied the allegations of the youngster and indeed he said he did not know him.

4. The learned trial judge gave most appropriate directions to the jury in respect of identification and credibility as also on the question of corroboration particularly bearing in mind the age of the complainant. The jury had no difficulty whatsoever in returning a verdict of guilty on both counts just after a little more than an hour's deliberation.

5. In the antecedents of this applicant it was disclosed that he is a teacher and that he had no previous conviction. The learned trial judge in her deliberations on sentence said that the crime, of which the applicant was convicted, was considered serious in Jamaica and that it carried a maximum sentence of ten years imprisonment. She said that the jury must have found and accepted that the applicant might have used a ruse or trick to get the complainant to his house, and that he had been threatened by the applicant. She said further that the jury must have accepted also that the applicant had used his superior age and status as well as his education to persuade the complainant initially to come to his house. She said that the society needed protection from such abuse to which the complainant had been subjected.

6. The single judge of this court who considered this application formed the view that the main issues had been dealt with adequately by the learned trial judge and that he saw no reason for the findings of the jury to be disturbed.

7. Having examined all aspects of the matter, we concur with the view that there was ample evidence to support the convictions, that the directions were fulsome and accurate, and that the jury did the right thing in returning the verdict of guilty in this matter. So far as the sentence is concerned, given the status of the complainant, he being a youngster in his early teens, given the age of the applicant, he having been born in 1970, and the trial having taken place in 2006, it would have made him in the region of 35 – 36 years old, we see no reason to disturb the sentence. The applicant's behaviour was most disgusting and the sentences imposed were appropriate.

8. The application for leave to appeal is without merit and is refused. The sentences are to commence from March 13, 2007.