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IN THE COURT OF APPEAL

M. No. 8/65

BEFORE: The Hon. Mr. Justice Duffus (President)
The Hon. Mr. Justice Henriques
The Hon. Mr. Justice Moody (Ag.)

RONALD COOMBS v SYLVIA THOMPSON

Neither party represented by Counsel.

5th November, 1965.

DUFFUS, P:

This is an appeal in a bastardy case from the order of the learned Resident Magistrate for the parish of St. Ann, adjudging the appellant to be the putative father of a child said to have been born to complainant on the 5th of February, 1965. At the hearing of the case before the learned Resident Magistrate the appellant, represented by a solicitor, submitted at the close of the complainant's case that there was no evidence of corroboration as the evidence of Beverley Clarke who had been called on behalf of the complainant, did not supply the necessary corroboration.

The learned Resident Magistrate ruled that a prima facie case had been made out and the appellant gave evidence for himself. He admitted that he had had sexual intercourse with the complainant but he said it was on one occasion only and that was on the 14th of February, 1964, and that he had not had sexual intercourse with her subsequent to that date.

The learned Resident Magistrate obviously accepted the evidence of the girl Beverley as corroborating the evidence of the complainant and he obviously rejected the evidence of the appellant. On appeal, the point was taken, as was taken in the Court below, that there was no evidence of corroboration on a material particular, as required by the law, to support the evidence of the complainant.

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This Court has carefully examined the evidence given by the complainant and the evidence given by the witness and we are unable to say that there was, in fact, any corroboration of the complainant's story. What appeared to be corroboration at first glance, on a detailed examination of the evidence really proves not to be corroboration. In the circumstances, the appeal succeeds, and will be allowed. I may add that as the appeal succeeds on the matter of corroboration only and not on the merits of the case, the respondent Sylvia Thompson will, of course, be free to lay another information and she may be able to secure evidence of corroboration.

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