

nmcs

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 43/2007

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
THE HON. MR. JUSTICE COOKE, J.A.
THE HON. MR. JUSTICE MORRISON, J.A.**

**ROHAN JOHNSON
V.
REGINA**

The applicant unrepresented.

**Miss Paula Llewellyn, Q.C., Director of Public Prosecutions and
Miss Claudette Thompson, Crown Counsel for the Crown.**

12th May, 2008

Oral Judgment

COOKE, J.A.

1. This applicant Mr. Rohan Johnson has renewed his application for leave to appeal before us, his previous effort before a single judge having resulted in failure. The case for the prosecution which has been succinctly outlined to us by Crown Counsel was that the virtual complainant on the 1st May, 2006 was by Burger King in May Pen in the parish of Clarendon, when the applicant engaged her attention with the verbal ploy that he had seen her previously, which she refuted. She continued on her way up to Central High School and while in that vicinity, she was accosted by the applicant, who at gun point, forced her to have sexual intercourse with him.

2. On the 10th May, the virtual complainant saw the applicant but by the time she summoned the police he had disappeared. Later, on the 14th December in the same year, she again saw him in May Pen and this time her effort to alert the police resulted in success. He was reduced into custody.

3. There is no issue of identification in this case. The sole issue centered on credibility. The applicant said that the virtual complainant was actuated by ill-will and spite, he not having fulfilled his financial obligations in that there was an arrangement for the virtual complainant to have sex with him for the payment of money. In fact he said that this was the second occasion on which he and the virtual complainant were having sexual intercourse.

4. The learned trial judge in our view cannot be faulted in his approach and his analysis of the evidence. He accepted the evidence of the virtual complainant and rejected the stance proffered by the applicant. It is only left to be said that the leave to appeal against convictions and sentences is refused. Sentences are to commence on the 8th May, 2007, these are to run concurrently.