

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CRIMINAL APPEAL NO. 138/04

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
 THE HON. MRS. JUSTICE HARRIS, J.A.
 THE HON. MR. JUSTICE DUKHARAN, J.A.**

CONRAD WILLIAMS v R

Applicant unrepresented

Ms. Opal Smith & Greg Walcolm for the Crown

1st June 2009

ORAL JUDGMENT

PANTON, P.

1. Mr. Conrad Williams was tried in the St. Mary Circuit Court between June 22 and 25, 2004 for the offences of rape and indecent assault. He, having been convicted by the jury, was sentenced to 20 years for the rape and 3 years for the indecent assault with an order that the sentences are to run concurrently. The offences took place on the 8th December 2003.

2. The circumstances are such that they make terrible reading, in that, the applicant, who is in his thirties, having been born on the 2nd May 1970, committed these offences on a female who was in her late sixties. This lady, according to the evidence which the jury accepted, was like a mother if not a

grandmother to him. He forcibly assaulted her while she had retired to bed; such was the violent nature of the sexual act and threat by the applicant to return to repeat the same, that the complainant felt obliged to leave her place of residence and to settle among nearby vegetation for the night to avoid being assaulted again.

3. Like counsel for the Crown, we see absolutely nothing in the summation which would justify any form of interference with the verdict of the jury. The single judge who considered the application concluded that the trial judge had summed up the case in a fair and balanced way and we agree with that judgment. We note that the appeal is against the convictions and sentences so we have considered the matter to see whether the sentences are manifestly excessive.

4. In the circumstances of this case we see no justification for us to conclude otherwise than that the sentence of 20 years imprisonment was justified. Persons such as this complainant, in the evening of their days ought to be confident enough that criminals such as Mr. Williams will not invade the privacy of their homes particularly at nights.

5. Before parting with the matter we must express our concern that the convictions though recorded five years ago, the transcript did not reach the Court of Appeal until the 16th December 2008. We wonder as to what could have caused such delay. As it has turned out, apart from the wait, it has not had

any adverse effect so far as the applicant is concerned in that the convictions are sound and the sentences appropriate.

6. In the light of the circumstances, the application for leave to appeal is refused, the convictions are affirmed and the sentences are ordered to run from the 25th September 2004.