

REASONS

8.

invited the virtual complainant to take a walk. They went across the street

20. He was arrested and taken to the Point Fortin Police Station. He was taken to a room in which the virtual complainant was present and an officer asked her if he was the said Gregory Donnor. She responded in the positive.

21. Sergeant Cooper later cautioned him and the appellant replied, "*We had sex but I didn't rape she.*" Consequently, he was charged with the offence of rape.

22. D 12 Nicholas Benny Tia Okwee was the District Medical Officer for the County of St. Patrick. He performed a general examination of the virtual complainant on the 20th February 2002, four days after the alleged rape. His findings were confined to her vaginal area; he noticed two small lacerations, each with a depth of about 0.5 centimetres. The hymen was not intact. There were no abrasions in the surrounding area and no vaginal bleeding was observed. He stated that any blunt or sharp object could have caused the laceration.

23. He said that the extent of the injuries to a female, who was not aroused, and who had thus produced no vaginal secretions to reduce the possibility of injury to the vaginal wall, would describe to the extent of the

sustained by the virtual complainant were consistent with rough sex and in the scenario suggested by defence counsel.

24. In answer to the Court, the doctor noted that it was impossible to give any kind of statistical data to support his opinion that in the alleged scenario one would expect to find more injuries. He then added that he could not say one way or the other whether there would normally be more injuries in the scenario described. He said that it was possible that initial minor bruises would not be visible 4 days later.

25. There were seven grounds of appeal filed.

GROUND 1

The trial judge erred in refusing an application b

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virtual compmoxrv in a taxi and she told him that she hadl cnsented to() Tj0 -219.75 TD

consider what meaning to attach to her words if they found that she did

witnesses but only in so far as she purported to repeat a conversation between the virtual complainant and herself. The jury well understood that this witness had no personal knowledge of the events in this case. The jury having been told that they ought to assess all the evidence, would have likely recalled that there was no evidence on 'kissing in the track' by the appellant, which they most likely would hold in effect as a denial of same, so that the

