

REASONS

R. Hamel-Smith JA

On April 4, 2006, we heard final submissions together with the appellant's application to quash the conviction. We dismissed the appeal and promised to give our reasons at a later date. We do so now.

The first main issue raised by counsel for the appellant was that the trial judge erred in law when he declined jurisdiction to arrest judgment after hearing arguments on the issue. Counsel for the appellant had submitted before the judge that the conviction was invalid and should be arrested. In su

judge's clerk, the prosecution and the members of the jury. In fact, no mention was made of the attorney's clerk or

observed that the jurors were talking among themselves but at no time did she observe any conversation between the prosecutrix and members of the jury nor did she observe the prosecutrix pointi

The allegation made by the appellant was indeed a serious one if found to be true. The burden rested however on the appellant to satisfy the Court that the incident

It was in this context that the witness was allowed to look at her original statement that purportedly recorded what the appellant had said to her when she confronted the appellant about her suspicions.

The law on referring to a previous consistent statement in order to rebut an allegation of recent fabrication is clear and