

07/72

SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL

R v EARL

Winneke CJ, Little and Anderson JJ

2 May 1972

CRIMINAL LAW – ACCUSED CHARGED WITH RAPE – FOUND GUILTY AND SENTENCED TO A TERM OF IMPRISONMENT – QUESTION OF WHETHER PENETRATION OCCURRED – CONFLICT BETWEEN PROSECUTRIX'S STATEMENT AND THE MEDICAL EVIDENCE – DUTY OF THE JURY – UNSWORN STATEMENT MADE – UPON APPEAL CHARGE SUBSTITUTED WITH ONE OF ASSAULT WITH INTENT TO RAPE – SENTENCED TO A TERM OF IMPRISONMENT.

[Ed Note: The matters discussed by the Victorian Court of Criminal Appeal in this appeal are not relevant to the Magistrates' Court]
