

COURT OF APPEAL

**MARGARET McMURDO P
BODDICE J
THOMAS J**

**CA No 5 of 2014
DC No 1653 of 2013**

THE QUEEN

v

JOHNSON, Colin

Appellant

BRISBANE

THURSDAY, 10 APRIL 2014

JUDGMENT

THE PRESIDENT: The starting point for the appellant's grounds of appeal is not made out. It is common ground that it is not made out in that in fact the DVD that was played to the jury of the complainant's evidence, contrary to the appellant's original contentions, did not contain a reference to possible interference with the complainant's brother; and the transcript of that DVD which was supplied to the jury did not provide reference to that material. The appellant therefore has properly conceded that his grounds of the appeal cannot establish that there was a miscarriage of justice. In those circumstances the order of the Court is that the appeal is dismissed.