

***R v Johnson* [2015] QCA 270 (11 December 2015) – Queensland Court of Appeal**

‘Consent’ – ‘Rape’ – ‘Sexual and reproductive abuse’

Charge/s: Rape.

Appeal Type: Appeal against conviction.

Facts: The appellant met the complainant on Facebook and was in a relationship with her for seven weeks. During sexual intercourse, the complainant withdrew her consent and alleged she was then raped by the appellant. The appellant was convicted of rape following a trial.

Issue/s: One issue concerned whether the verdict was unreasonable and unsupportable having regard to the evidence.

Decision and Reasoning: The appeal was dismissed. Morrison JA (with whom Gotterson JA and Philippides JA agreed) held that it was open to the jury to be satisfied beyond reasonable doubt that by the complainant saying ‘no’ and ‘stop’ multiple times, he was not under any mistake as to whether she had consented to sex.