

Rape case scandal is just 'tip of the iceberg'

<https://www.thetimes.co.uk/article/rape-case-scandal-is-just-tip-of-the-iceberg-7hdjtlv9z>

Police and prosecutors may be biased, says QC

David Brown, Chief News Correspondent | Alexi Mostrous, Head of Investigations

December 16 2017, 12:01am, The Times



Liam Allan with his mother Lorraine and supporters outside Croydon crown court
BEN GURR FOR THE TIMES

The case of an innocent student put on trial for rape because police withheld evidence is just the “tip of the iceberg”, senior barristers said last night.

Dozens of cases have collapsed in the past three years because of serious police failings over the way they handle evidence, according to an inspection report obtained by *The Times*.

In one case, a man accused of robbery spent six months in jail before a prosecutor found evidence confirming that he had been robbed by the “victim”, who was a violent drug dealer.

Yesterday *The Times* revealed that Liam Allan, 22, spent almost two years on bail and was on trial for a series of alleged rapes before police handed over text messages that exonerated him.

Angela Rafferty, QC, chairwoman of the Criminal Bar Association, said yesterday that without the intervention of the barristers in court Mr Allan “would have suffered an appalling miscarriage of justice” because of the failure of police and the Crown Prosecution Service (CPS).

She warned that the failure was “not an isolated incident” and said that police and the CPS may be “unconsciously bias[ed]” towards people who report sex offences.

Mr Allan's acquittal comes as concern grows over a series of rape cases involving young men that have fallen apart because of fears about the quality of the evidence.

A report in July by HM Crown Prosecution Service Inspectorate, seen by this newspaper, found that police and CPS staff blamed "limited resources and lack of time" for the poor disclosure of evidence.

The inspectors found that the failure to deal with issues early meant that unauthorised disclosure between lawyers, unnecessary adjournments and discontinued cases "are common occurrences". The report said that at least 56 cases had been scrapped because of failure to disclose evidence between 2013 and last year.

More than half of the 146 cases reviewed showed "obvious disclosure issues" before the suspect was charged. In 38.3 per cent of these cases the prosecution did not deal with these issues "at all". The inspectors said that problems with disclosure had been known for "many years" and warned that "no improvement will result and the likelihood of a fair trial can be jeopardised".

Critics said Mr Allan's case showed that lessons had not been learnt. Ms Rafferty said: "The case should never have been brought. Public funds were wasted, he spent two years on bail, and no good has come of it. The authorities do not appear to have learnt lessons from the joint report by HM Inspectors of the CPS and Constabulary in July 2017, which highlighted systemic failures and offered remedies."

Dapinder Singh, QC, who specialises in complex frauds and serious crime, said the failure to disclose evidence in Mr Allan's case may be "just the tip of the iceberg". He added: "Disclosure is the backbone of the criminal justice system and a defence team must be able to trust the prosecution to properly discharge their disclosure duties."

Among cases to have fallen apart recently are those of George Owen, a 21-year-old trainee accountant, who was cleared in September by a jury that took two hours to find that he had not forced himself on a 19-year-old student as they left a bar in Manchester.

The previous week, two young men were cleared of raping girls after nights out. Bartolomeo Joly de Lotbiniere, 22, a student at York University, was reported to police when he appeared on *University Challenge* — 14 months after having sex with his accuser. Joshua Lines, 23, was accused by a fellow student who had invited him into her bed. Both said that the sex was consensual and were found not guilty, prompting questions about why they had ended up in court.

The woman who accused Mr Allan faces investigation for attempting to pervert the course of justice. The detective involved will be questioned about the failure to hand over the vital evidence. The accuser told police that she hated sex but wrote hundreds of text messages to friends saying she was devastated when Mr Allan said that they could not meet again and discussing in detail her enjoyment of sex.

The CPS and Scotland Yard are reviewing why 40,000 text and WhatsApp messages from her phone were not handed over until after the trial had begun at Croydon crown court. Alison Saunders, the director of public prosecutions, has apologised in a letter to *The Times* today for the failure to hand over the evidence earlier.

In Mr Allan's case, the phone records were handed over only when a new prosecutor agreed to a request from the defence barrister to see any material from the woman's phone. Judge Peter Gower

said on Thursday it was clear that Mr Allan would not have been charged if the messages had been seen, and demanded an inquiry into the failure to produce them.

Mr Allan, who is in the final year of a criminology degree at the University of Greenwich, had been warned that he faced at least ten years in jail and would be on the sex offenders register for life.

A Crown Prosecution Service spokeswoman said: "We know how important it is to get disclosure right and in the light of the recent HM Crown Prosecution Service Inspectorate report we are reviewing our disclosure policies and practices with police colleagues as a matter of urgency."

The 'victim's' messages

The woman who accused Liam Allan of rape told police that she hated sex, but hundreds of messages sent to friends during the preceding months detailed her obsession with the student and her love of sex.

The messages were downloaded by police from the woman's telephone shortly after she was interviewed in January 2015. Police then stated there were no messages of interest to either the prosecution or Mr Allan's lawyers.

Edited examples of some of her messages were read out in court. In a message to a friend after Mr Allan told her he was going to university she described how she had called him in a panic and begged him to see her, writing: "Honestly I was just a mess and I was like I'm asking for one last chance to show you how much you mean to me."

Writing to a friend about having sex with another man: "After the initial pain of the train getting into the tunnel it's not that bad, after a while it's alright and it's fun . . . everyone knows I enjoy it but it still hurts me to this day but no pain no gain. It's worth it.

"It's always nice to be sexually assaulted without breaking the law. You clearly don't love me because you keep revoking my sexual advances, have I got to drug you."

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Sir, Further to your report "Judge slams police after man cleared in rape trial" (News and leader, Dec 15), the...

December 16 2017

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Hannah Simpson Dec 20, 2017

This is just another example of po faced political correctness, the police should have no such opinions one way or the other, they should just do their job.

The people of this country absolutely hate this sort of thing and yet all our politicians do is run project fear as though we will forget about it all because our jobs will go!

Flag

1RecommendReply

Londonderry Lad Dec 18, 2017

How can people blame detectives for no going through 40,000 text messages? But I can't understand why they weren't turned over to the defence for them to go through?

Flag

RecommendReply

Frankenfurter Dec 18, 2017

@Patrick Walker

Up to a point, I agree with you though surely if the defendant had said look there is evidence in these 40000 texts they had a duty. What I find incredible is how anyone could have 40000 texts.

Flag

1RecommendReply

Dennis Clarke Dec 18, 2017

@Patrick Walker The issue arises if the officer claimed to have gone thru them when they had not or went through them, realised how they supported the defence so pretended there was nothing to help. If the officer had simply said there are a large number of texts but they do not have the time to go through them then the rules are that if the cps cannot be bothered they ought to be released to the defence for the defence to check.

However, the system is that the prosecutors are obliged to check these things. It is all part of the change in the law in 1996 on the subject of unused material. There was a time when the defence had access to everything but to save money the government introduced a system that put the onus on the prosecution to consider the material and only release material the prosecutor concluded either undermined the prosecution case or assisted the defence case as disclosed by the defence. This very important task has to be dealt with carefully and professionally by the prosecution else the system is skewed (or should that be 'screwed'?) This is the point being made by all involved in the system. The prosecution says it is too busy to deal with their obligations and yet nothing changes to add a correction to the system. it is a bad time to be a defendant.

Flag

2RecommendReply

Peter Roberts Dec 18, 2017

"Police then stated there were no messages of interest to either the prosecution or Mr Allan's lawyers."

It should not be for the police to judge that there is nothing of interest; if the request for information is made, the request should have been honoured. Otherwise justice fails.

Flag

2RecommendReply

Tim Radcliffe Dec 17, 2017

Accused named, false accuser not named. Totally unfair and wrong.

Flag

17RecommendReply

Jackie P Dec 17, 2017

"Police and the CPS may be "unconsciously bias[ed]" towards people who report sex offences"

No "unconscious" about it - every time Alison Saunders - head of the CPS - speaks on this issue, the complainant is always given the benefit of the doubt. Men are - by definition in her view - guilty until proven innocent by evidence that the CPS will never disclose.

Flag

12RecommendReply

B M Moores Dec 17, 2017

I can guarantee that neither the police officer or the so called victim or any CPS lawyer - be it in house or counsel the CPS instructed - will be prosecuted over this. It will be allowed to go away with an in house cover up by the police and CPS with justice not being seen to be done. I can tell you that it is not just Alison Saunders who should fall on her sword but this sort of behaviour by the CPS takes place at regional CPS level with over zealous CPS prosecutors who like the police have adopted a convict at all costs mentality

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10RecommendReply

ThePipster Dec 17, 2017

@BMMoores - hear hear, about time public office was reunited with the obvious responsibilities it carries.

Flag

6RecommendReply

J McGill Dec 17, 2017

Alison Saunders, the DPP, should have resigned today never mind apologising in The Times. Ms Saunders is personally responsible for the nonsensical ideology whereby any woman who claims to have been assaulted or raped is automatically believed irrespective of any evidence to the contrary and in this case let's not even bother to look at the evidence. The man is obviously guilty because he is a man.

This DPP heads a poisoned system and following the number of cases thrown out of court in just the last year she needs to resign now, today. Probably too late for today so first thing tomorrow. She won't be missed by real rape victims who have to watch this charade which the DPP calls justice.

Flag

16RecommendReply

John OConnor Dec 17, 2017

@J McGill "**....and in this case let's not even bother to look at the evidence"**

That is the nub of it for men who can be falsely accused of rape.

There is something from a couple of years ago that comes to mind too, not related to this but pertinent. It was the case of a babysitter who was charged with the death of an infant, Experts gave evidence that an infant's death could have been caused by violent shaking. That has since been disproved.

But you are at peril if you ever get into court now.

Flag

2RecommendReply

Jeff L Dec 17, 2017

Has there been an apology? Has the CPS and/or Met apologised directly to Mr Allan?

And what has happened to all these accusers making false allegations, any prosecutions of them? "The woman who accused Mr Allan faces investigation for attempting to pervert the course of justice" - does there need to be any investigation?

Shameful.

Flag

9RecommendReply

John OConnor Dec 17, 2017

@Jeff L Of course not, no apology. They are self-protecting organisations who will never admit that they were wrong. They are the same in that regard as churches, councils and all public bodies. Their heads never get fired, never lose their jobs. They retire with handouts in the hundreds of thousands, pensions that are better than many salaries of professional people. You ask "does there need to be an investigation?" They love investigations because they last for years and by the time the investigation is over there is no interest anymore. This man, Liam Alan deserves justice and massive compensation for his two years of turmoil.

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20RecommendReply

Jeff L Dec 17, 2017

@John OConnor Indeed, and most certainly an apology alongside, though whether that will happen isn't all that clear I suppose as you say.

Flag

1RecommendReply

John OConnor Dec 17, 2017

@Jeff L @John OConnor If he does get an apology, it will take years too. And when he does get an apology it will be qualified by some clause such as "without admission of whatever".

Flag

1RecommendReply

AFit Jan 24, 2018

@John OConnor @Jeff L Yes. They all have a common purpose.

Flag

RecommendReply

John OConnor Dec 17, 2017

Let us praise the prosecution barrister who saw the evidence and stood up for this innocent man.

Flag

20RecommendReply

Andrew Cole Dec 17, 2017

Good article but MPs, parties, journalists, compete for their politically correct halos, then put their ridiculous PC vanity into law, Whilst this guy survived two years of hell there will be others killed in prison showers. Time to stick the pin in the politically correct donkey of every MP and party (that's all of them) involved in abolishing innocent until proven guilty, not just the legal activists they let out of the asylum to do their dirty work.

Flag

4RecommendReply

John OConnor Dec 16, 2017

" A report in July by HM Crown Prosecution Service Inspectorate, seen by this newspaper, found that police and CPS staff blamed "limited resources and lack of time" for the poor disclosure of evidence."

They had the evidence in this case but did not release it to the defence. That is hardly a resource or funding issue.

It surely is a sad day when justice is dependent on money and resources. Anyone with a conscience should see that justice is done.

Flag

8RecommendReply

Hello Campers Dec 16, 2017

- and buried elsewhere while we're distracted by rape and a snowflake academic

[David Cameron is to take on a new role leading a UK government-backed investment initiative between Britain and China.

The former prime minister will take charge of a £750m (\$1bn) fund to improve ports, roads and rail networks between China and its trading partners.'

Cute click bait headlines - and over 800 comments between them.....

:-z

Flag

1RecommendReply

Bryan Weston Dec 16, 2017

Personally, I have just about lost any faith in the majority of our establishment. Cover ups, lies, newspeak, jargon, just who knows what is the truth?

In a true democracy, truth hold be truth, even accepting one or two blemishes. I just find myself using my own (low intellect?) but feeling s to where the truth in anything lies these days.

Just about all of our authorities, down to local councils, are prone to lying on a major scale.

Trust, is a bygone word in the country.

Flag

6RecommendReply

Jackie P Dec 17, 2017

@Bryan Weston Don't forget 'lessons have been learned' as a substitute for identifying the guilty people and as a way of avoiding accountability.

Flag

4RecommendReply

Bryan Weston Dec 17, 2017

Agreed, yet the mantra lessons have been learned, never seem to be.

Flag

RecommendReply

Ruth Ramsden Dec 16, 2017

So, we've gone from the police not believing anything women say, to hanging on their every word regardless of how the evidence stacks up? The current moral panic around consent seems to have affected law enforcement as well. In the zeal to atone for their culpability through decades of genuine neglect, they're gunning for any 'sex pests' they can get their hands on. It's not helped that modern young women seem to have little or no self knowledge in a'dating' atmosphere where sex is framed in terms of good versus evil, potential perpetrator versus victim. The case throws into stark relief the lie that women have no agency but the present cultural climate doesn't seem conducive to sensible discourse around the subject and even innocent vacillation is going to lead to more young men having their lives trashed.

Flag

22RecommendReply

Marcus Aurelius Dec 17, 2017

It's not helped by the fact that young people have the sexual morality of an alley cat these days and use phone apps and naked photos to decide who to sleep with.

When it goes wrong I tend not to be sympathetic unless it's someone being raped at knifepoint in a disused warehouse or something similar.

Bad dates and poor choices of who to share your bed with do not a rape case make.

Flag

7RecommendReply

Gramarian Dec 16, 2017

About time Saunders pursued grave offences against the person such as FGM rather than drunken liaisons by both parties where both agreed to share a bed willingly.

Flag

10RecommendReply

Marcus Aurelius Dec 17, 2017

Also MGM which I am tired of having ignored despite it occurring daily.

Flag

4RecommendReply

SJR2020 Dec 16, 2017

Rape is a horrible crime that affects its victims for a lifetime.

However, over the last decade and primarily due to a perverse will to secure more convictions, 'Rape' as we all understand the crime, has somehow been allowed to encompass circumstances where basically, if there's no definitive 'Yes', then it's a 'No' and a rape has been committed.

This has seen numerous trials and many dubious convictions, as the police now do no investigative work which may cast doubt on the character or motives of the victim. Consequently we have reached the point where a man and women can have a perfectly normal sexual encounter and 3 months later, for whatever reason the woman can claim she did not give consent and she will be believed.

In this case the man has been very lucky indeed, because without the text evidence, he would undoubtedly have been convicted of rape, sentenced to 7 years or so prison, with career and life ruined.

Be afraid. Be very afraid.....

Flag

15RecommendReply

peter nightingale Dec 16, 2017

CPS Rape figures 2015-2016, England and Wales

Total prosecutions: 4643

Prosecutions dropped: 610 13.14%

Dismissed by the Judge after full trial: 30 0.93%

Judge directed acquittal: 43 0.37%

Other unsuccessful outcomes: 72 1.55%

Guilty pleas: 1623 34.9%

Conviction after trial: 1066 22.96%

Jury acquittal: 1199 25.82%

Rape cases make up 13.24% of all indictable offences, up from 9.37% in 2009-10.

65 of the defendants were women.

Flag

4RecommendReply

Adrian Turner Dec 16, 2017

@peter nightingale Thank you Peter. This brings some much needed balance to this discussion.

Flag

3RecommendReply

Avicenna Dec 16, 2017

Take out the guilty pleas.
That is 1880/3000 failures to convict.
Imagine a surgeon who had a gross failure rate of 60% for a serious operation where it would be reasonable to expect a success rate of 90%.
As for serious miscarriages of justice 1 is far too many.

Flag

3RecommendReply

Adrian Turner Dec 16, 2017

@Avicenna Prosecutions cannot be compared to surgery, not least because the ultimate decision is taken, usually, by a jury in rape cases.

CPS policy requires a better than even prospect of a conviction before bringing proceedings, so they are within it.

Moreover, the conviction rate is vastly higher than it used to be as a result of a number of initiatives.

'Taking out guilty pleas' is a nonsense. It is a conviction. Innocent defendants do not plead guilty.

The telling figures here are the acquittals by judges or juries, which, combined, amount to less than 25%. Given the frequent lack of independent evidence, owing to the context in which most rapes occur, these figures make impressive reading if, that is, one is prepared to read them properly.

Flag

4RecommendReply

Avicenna Dec 16, 2017

Metaling our the guilty pleas is the correct method of assessment statistically, it is where evidence is actually tested where we need to look and the failure rate is even by the hopelessly low standard of 50% far too high.

Take out the he said she ones. That would help and full unanimity on both sides, this is unfair, and for the most egregious cases the prosecution of the high number of vexatious complainants.

Flag

RecommendReply

Adrian Turner Dec 16, 2017

@Avicenna A guilty plea is by definition the defendant assessing the evidence and realising he cannot answer it.

We abolished the evidential requirement of corroboration 23 years ago.

I agree that people who have clearly made false complaints should be prosecuted. There mere fact of an acquittal does not, however, prove the complaint was false, but only that the tribunal was not sure beyond reasonable doubt.

The 51% standard has been in place for decades and it applies across the board. Some kinds of crime will, by their context, always be harder to prove beyond reasonable doubt than others. Rape is the paradigm example.

The latest figures are a credit to the CPS and all the other agencies which have contributed to them.

Flag

1RecommendReply

Dennis Clarke Dec 16, 2017

@Adrian Turner @Avicenna The reason you take out the guilty pleas for the purposes of this discussion is that they tend to be cases where the defendant has admitted the case in the police

station or the evidence is overwhelming. There is little if anything for the CPS to consider. We are concerned with those cases where professional interest/input is needed. The present case appears to have had enough warning signs for even the most lowly qualified criminal lawyer. The case appears to have warranted no professional input from the CPS if we are to believe the reports out there.

Like many other criminal law practitioners I see good prosecution lawyers (they do exist) doing what they can to obtain justice both for the complainant and the defence. They struggle against systems that are not conducive to a world class criminal justice system. That qualification left these shores many years ago.

Flag

1RecommendReply

John Austin Dec 16, 2017

A 57% conviction rate (including guilty pleas).

Anyone know how that percentage compares to other serious indictable offences like burglary, murder, etc?

Flag

RecommendReply

Avicenna Dec 16, 2017

Adrian

Of course the guilty please should be taken out and CPS needs to urgently decrease the prosecution rate of under 40% is shocking.

The CPS also needs a trump card rule where if day 1 case like the above occurs they get a fail and no bonuses are paid and there is no pay rise.

CPS is failing and is badly led. It has zero ambition to get better.

Flag

RecommendReply

David Heal Dec 16, 2017

@John Austin in the case of burglary and murder the issue is whether the defendant committed the offence whereas in the case of rape the question is whether an offence has been committed at all so the comparison is completely meaningless.

Flag

1RecommendReply

Adrian Turner Dec 17, 2017

@Dennis Clarke @Adrian Turner @Avicenna In some ways, sadly, I have to agree, but not entirely.

Progress is being made.

The tragedy of the present case is that it undermines this progress, with consequences for future prosecutions.

Flag

RecommendReply

chiaromonti Dec 17, 2017

@peter nightingale 65 were women? Woman cannot, as a matter of law, commit rape as a principal although they can aid and abet a man to commit rape. See the definition of rape in the Sexual Offences Act 2003.

Flag

2RecommendReply

JOHN RYAN Dec 16, 2017

Alison Saunders makes no comment.

She has her own agenda , has obsessively and , to the detriment of other cases , pushed for sex assault cases to have priority , but has not given proper oversight to the CPS and the result is chaos. She is responsible and must be held accountable .

Flag

26RecommendReply

Adrian Turner Dec 16, 2017

@JOHN RYAN Quite the opposite is true. The DPP works under the superintendence of the Attorney-General, who is ultimately responsible for policy.

The attention now given to serious sex cases is the result of decades of inadequate support in the criminal justice system for complainants. Maybe the pendulum has swung too far the other way, but do not single out the DPP for any blame this deserves.

Responsibility for investigations lies with the police. The CPS and those they instruct to present cases, if they go out of house, will scrutinise what the police have done, but if a disclosure officer (a policeman) says he has viewed material and that it contains nothing relevant it is unrealistic to expect this always to be checked. There has to be a large measure of trust.

Sadly, for whatever reasons, this disclosure officer failed in his duty, and it is that failure which any inquiry should focus on and not the DPP who had nothing personally to do with the case at all as far as I know.

Flag

3RecommendReply

Sir John Hawkswood Dec 16, 2017

@Adrian Turner @JOHN RYAN

You make a good point about disclosure. I'm inclined to believe that those forces who still retain dedicated Disclosure Officers in their Criminal Justice Units suffer far fewer incidents of the kind described in the article. Some forces, in the interests of economy and streamlining, have done away with them and rely on the Officer in Case to deal with his own disclosure, sometimes with little or no additional training. The Government's push to encourage all forces to move towards digital file preparation may also be a factor. I doubt very much that in all but a very, very small number of cases these disclosure failures were anything but human error.

Flag

2RecommendReply

John Austin Dec 16, 2017

The DPP has encouraged more rape prosecutions, with pretty marginal results. She is presiding over a system that appears to be seriously flawed, given what we have been told by Jerry Hayes, Anne Rafferty QC and others.

That seems to me to be where her true culpability lies, encouraging more prosecutions that are doomed to fail.

Flag

6RecommendReply

Gramarian Dec 16, 2017

The police like the military are an instrument of state directed by parliament.

Any hint of political bias in their execution of their taxpayer funded duties should result in dismissal.

Flag

5RecommendReply

Nicholas Chilvers Dec 16, 2017

This is appalling.

I can't help wondering why if the defence suspected that there were records of relevant messages, they didn't press the matter harder at earlier case management hearings and asked for a judge direction.

They could even have made an interim application.

Questions for the prosecution but perhaps also for the first stages of defence representation.

Flag

11RecommendReply

Colin T Dec 16, 2017

@Nicholas Chilvers In other words, the defence team should not presume that the CPS will discharge their legal duty of disclosure? Is such a state of affairs not in itself a condemnation of the CPS?

Flag

14RecommendReply

Peter John Dec 16, 2017

@Colin T @Nicholas Chilvers

There is no excusing the CPS but surely the young man knew that he had received the texts from his former girlfriend. It does seem odd that his solicitor didn't ask him about that and he didn't think to mention it.

Flag

5RecommendReply

Graeme Harrison Dec 16, 2017

And you know that he didn't mention them and his solicitors didn't ask him how?

Flag

1RecommendReply

Andy Crofts Jan 24, 2018

@Graeme Harrison I understand he did, but they were too busy to read, but chose to read her **edited** versions.

Flag

RecommendReply

peter nightingale Dec 16, 2017

CPS data on 2015-16 sexual offences:

Total prosecutions: 11995

Prosecutions dropped: 1064 8.87%

Dismissed by the Judge after full trial: 237 1.98%

Judge directed acquittal: 44 0.37%

Unsuccessful outcomes: 110 0.92%

Guilty pleas: 7919 66.02%

Conviction after trial: 1422 11.85%

Jury acquittal: 1189 9.91%

Conviction in absence: 10 0.08%

Flag

6RecommendReply

Chris Oakley Dec 16, 2017

@peter nightingale Interesting stats but what is your point?

Flag

6RecommendReply

peter nightingale Dec 16, 2017

@Chris Oakley @peter nightingale I was only looking because of another post alleging there were few successful prosecutions, which is clearly not the case.

The no of prosecutions for such offences has risen by 4000 since 2009-10.

4RecommendReply

Chris Oakley Dec 16, 2017

@peter nightingale @Chris Oakley Thanks. I hadn't read the other post so I was a bit puzzled.

Flag

RecommendReply

Emily Nugent Dec 16, 2017

@peter nightingale @Chris Oakley

These are sexual assault cases, actual rape is about 1400 convictions.

Flag

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RecommendReply

Raymond Greaves Dec 16, 2017

"The messages were downloaded by police from the woman's telephone shortly after she was interviewed in January 2015. Police then stated there were no messages of interest to either the prosecution or Mr Allan's lawyers."

In response to Mr Ben Gurr's report today and specifically to the paragraph quoted above, can someone explain why the police or the Crown Prosecution Service are allowed to make a decision that **any** individual piece of evidence is of no interest to prosecution or defense lawyers?

Surely **all** evidence should be made available to the defense for them to make their own decision as to what is relevant or of interest to their case. Given that is true, then surely **all** evidence should be given to defense lawyers for their inspection.

Even if the police or CPS **believed** evidence is of no interest to the defense lawyers, the defense may have knowledge or insights that may prove of vital importance to their defense case based on that withheld evidence.

In "My Cousin Vinny", it is called "discovery". Don't we have that in Britain?

Flag

17RecommendReply

Graeme Harrison Dec 16, 2017

I'm guessing that the defence statement probably gives the police and the CPS some clues as to what evidence is likely to be relevant and what isn't likely to be relevant within the disclosure process.

If you want all the private data on your mobile phone to be disclosed to the world at large simply because you've been the victim of a crime, then be my guest. Me, I'd rather it wasn't disclosed to people who might use it for criminal purposes.

Flag

2RecommendReply

Paul Bentley Dec 16, 2017

@Graeme Harrison This isn't about you.

At least now you're guessing rather than laying down your dubious version of the law, as in your earlier posts.

The private data on the girl's phone saved the ACCUSED from becoming the victim.

Are you simply confused or mischievous?

Paul Bentley

Flag

4RecommendReply

Graeme Harrison Dec 16, 2017

You don't mind if, as part of an investigation all your private data is handed over to a criminal whether it's relevant an alleged crime or not. Good for you. If it's not relevant, why should the defence have it?

Flag

2RecommendReply

Tony Lazzerini Dec 16, 2017

@Graeme Harrison The clue is in the word "discovery".

Flag

RecommendReply

Paul Bentley Dec 16, 2017

@Raymond Greaves Thank you, Mr Greaves, you've supplied an answer to something that worried me. I was concerned that prosecution counsel pursued the case when aware of the contradictory evidence supplied by the accuser's texts. You say that they were unaware of them, having been told specifically by the police liaison that the texts were of no relevance.

(Though the boy's counsel were aware of them from early days. Did they not think to refer them to prosecution?)

All very strange. I think that the relevant police office and his chain of command have some pretty searching questions to answer.

Paul Bentley

Flag

4RecommendReply

timbus Dec 16, 2017

@Paul Bentley @Raymond Greaves Not strange at all. Sounds like pretty standard behaviour from some members of the police force if we look at the last few decades.

Flag

2RecommendReply

Gnome de Plume Dec 16, 2017

40,000 messages. Wow. Can't have left much time for - other leisure activities.

Flag

4RecommendReply

Graeme Harrison Dec 16, 2017

Particularly since you have no idea about the time it took her to write them.

Flag

2RecommendReply

Raymond Greaves Dec 16, 2017

Quis custodiet ipsos custodes?

Flag

8RecommendReply

Peter O'Toole Dec 16, 2017

@Raymond Greaves Dedicated barristers, evidently.

Let's hope that there are enough of them to go around.

Flag

4RecommendReply

Paul Bentley Dec 16, 2017

@RECH

"But all of us are complicit in creating this climate in which an unverified tweet can be taken as proof of guilt. . . ."

I don't feel in the least complicit. There is blame to be shared over this almost-miscarriage of justice but I think it should be directed in a more ad hominem way, rather than in a general wringing of hands.

But I hope to discuss another point here, one I find deeply worrying. Of the 352 posts below, 95% show a high degree of antipathy to the police, their methods, their intentions, the results they obtain across the board. Some posters, understandably, are critical because of personal experience: the majority are simply voicing disquiet and outrage. I'm sure that other online forums reflect ToL. And I sense that the outrage is caused by more than this particular case.

I am in no position to speak for the police but I believe they do an inconceivably hard job to the best of their abilities. Of course there will be failures, that is inevitable. But I would urge readers/posters to consider the role of the police, how they carry out their duties (generally admirably), the justified trust we hold them in. They are as human as any of the fulminators on this forum and as liable to get things wrong sometimes.

Paul Bentley

Flag

3RecommendReply

nick meurice Dec 16, 2017

Paul. The police appear to have got it wrong on purpose with the intention of securing a conviction, knowing the accused is probably innocent. The fact that this is so common is worrying as it is the target driven culture that drives such attitudes rather than a desire to see justice done. Thank goodness for the judge and jury plus honest prosecution barristers as the last line of defence for the innocent.

Flag

24RecommendReply

Paul Bentley Dec 16, 2017

@nick meurice I'm sorry, Nick, but I think you are muddled.

I was trying to avoid referencing the actual case, rather suggesting that the Police should be viewed in general, rather than by these specific circumstances.

The circumstances apparently reflect on the behaviour and actions of one officer (though almost certainly his actions would have been peer-reviewed, certainly supervised. We have not been told of his/her rank, though I surmise it must be pretty senior).

Certainly there must be an investigation. But to accuse the officer of 'getting it wrong on purpose' when you don't have a shred of evidence, is not too different from , what, falsely accusing a man of rape?

And why should a target-driven culture necessarily exclude the desire to see justice done?

By the way, the jury in this case is irrelevant. And the judge and prosecution spoke and acted post facto. Honour, if such a word is not redundant in this sorry farrago, is due Defence counsel for her diligent pursuit of the text evidence.

Paul Bentley

Flag

2RecommendReply

Tony Lazzerini Dec 16, 2017

@Paul Bentley @nick meurice

Paul - it is hard to imagine that a Police officer when asked specifically about a piece of evidence could accidentally get it wrong.

Flag

1RecommendReply
RECH Dec 16, 2017

@Paul Bentley In general I agree with you about the police, though in a case like this there simply has to be an investigation into whether something worse did happen - it may not have been malicious; it could instead be a consequence of the target driven culture, insufficient resources, simply a misjudgement, but there has so nearly been a really serious miscarriage of justice that we must find out.

Personally I cannot begin to understand how targets can be reconciled with innocent until proven guilty.

It is also I think a concern that so many people close to the criminal justice system seem to think that there may be an endemic problem.

I note that that you don't feel complicit. I think policing is carried out within a culture, not independently of it, and there is little doubt, at least in my opinion, that we have all connived in the ludicrous and inevitably often unjust pretence that a complainant should always be given the benefit of the doubt and treated as a victim. That must, if only subconsciously, get reflected in policing. Evidence simply doesn't seem to matter so much anymore.

Flag

3RecommendReply
lancsmarsbar Dec 16, 2017

@RECH @Paul Bentley RECH - you are absolutely right, conviction targets are totally incompatible with the presumption of innocence, and the increasing blurring of this distinction which we have seen in recent times must be reversed if our criminal justice system is to recover its reputation. Anyone within the system who advocates conviction targets should be removed from their post forthwith. Thus unbalancing of the scales of justice simply has to stop.

Flag

8RecommendReply
Paul Bentley Dec 16, 2017
@RECH @Paul Bentley

Thank you for your thoughtful response It is clear that you don't believe a complainant should be given the benefit of doubt and treated as a victim. Neither do I, Neither do those women who have posted here (as far as I can see).

So I don't think if we, all strangers, think this, that you can extrapolate that the majority do: rather the reverse.

Evidence DOES matter. It was evidence, though tardily revealed, that freed the accused.

Paul Bentley

Flag

3RecommendReply

Ytongs Dec 16, 2017

@Paul Bentley There will be failures no doubt. However it is what they fail in and who is failing that bothers me. Just recently we have had an ex cop having retained confidential information against the rules trying to bring about the sacking of a Government minister.

Not so long before that the police on guard outside No10 choose to concoct evidence against another Government minister. These aren't failures. These were deliberate attempts to undermine the Government of the country and without great concern they think they can do it.

Moving back somewhat in time the Hillsboro' disaster after an awful lot of digging has resulted in uncovering the falsification of evidence at the highest level and on an industrial scale. If the concept of justice can be so easily worked around in all these cases what does this say of the same people's approach to lesser cases and one is led to query whether these the only instances of such crimes.

Flag

3RecommendReply

Paul Bentley Dec 16, 2017

@Ytongs @Paul Bentley What it says is that some members of the Police Federation are fools, knaves, some are crooks. But not the majority. I expect the ratio is much the same as in other walks of life, doctors, lawyers, parliamentarians, bricklayers.

I know there are miscarriages of justice, I'm sure that genuine crimes - that is often what they are - are committed by some members of the police in office.

But do you tar all the Police with that brush? Whatever became of the useful rotten apple analogy?

Paul Bentley

Flag

3RecommendReply

Ytongs Dec 17, 2017

@Paul Bentley @Ytongs Your analogy is wrong. Of the list of professions you quote none could relieve you of your liberty. And over the past few years I have seen some staggering examples of appalling police practice (which is what the original article was about) that in some cases have resulted in innocent people losing their lives.

That few are held to account and nothing much seems to change does little for public confidence. The very fact that in the two cases I described earlier gives the impression of a police force who consider themselves immune and completely untouchable. There are just too many incidents to conclude any thing other.

To extend your analogy, no I don't tar all individual police with the same brush we are discussing the organisation, but there are too many rotten apples for public comfort in an organisation with so much power.

Flag

RecommendReply

Dennis Clarke Dec 16, 2017

The issue will not go away until a way is found for the judiciary to make orders against the prosecution that, when the prosecution fails to perform, the court can punish the contempt. All prosecutors and investigators know that so far as the courts are concerned they are immune from criticism in most cases. Judges feel their hands are tied when it comes to the prosecution. We hear too often that judges will refuse to make an order against the prosecution simply because they know the prosecution will not comply and then the court has the embarrassment of not being able to

enforce it. The rot has gone too deep. The debate needs to be wider and not just focusing on the individuals in this case.

Flag

3RecommendReply

Adrian Turner Dec 16, 2017

@Dennis Clarke There is the sanction of wasted costs, but that usually amounts to robbing Peter to pay Paul (unless the defendant is paying privately for his legal representation).

Flag

1RecommendReply

Robert McMahon Dec 16, 2017

"Unconscious bias": I think it's well and truly conscious.

One of the terrible effects of high profile sex assaults and harassment by men in positions of power has been an over-sensitivity to its perception and accusation. In time I suspect this too will over-correct and lead to cynicism and dubiousness about claims of assault, like decades past. We need to be really careful to not cause either effect.

Flag

14RecommendReply

Mrs Ruth Bruce Dec 16, 2017

@Robert McMahon

In time I suspect this too will over-correct and lead to cynicism and dubiousness about claims of assault

That is already happening. In conversations - both with people I know and with those casually met - I have found an overwhelming sense of cynicism about the motives, past deeds and veracity of many of those complaining of sexual harassment.

The fact is that sexual crime does happen: it also happens that false accusations are made; sometimes under oath. We need, not an hysterical acceptance of every *#metoo* scandal story, nor a brutal refusal to entertain the possible truth of every allegation, but rational, evidence-based judgment of the facts in each individual case.

Flag

1RecommendReply

Peter John Dec 16, 2017

@Mrs Ruth Bruce @Robert McMahon

A woman claims she has been raped. There may be evidence of sexual activity, there may be evidence that she (and the alleged rapist) had been drinking moderately. Other than that, nothing but her word against his "consensual sex".

Would you say that a "rational, evidence-based judgement of the facts" would conclude there is a case to prosecute or not?

Flag

2RecommendReply

Tony Lazzerini Dec 16, 2017

@Peter John @Mrs Ruth Bruce @Robert McMahon

Well, we used to examine in depth the female's character - whether or not she slept around, how she dressed etc.

This was a "rational, evidence-based judgement of the facts", but proved somewhat unsatisfactory.

Not sure what you can do, except to require more evidence than a simple complaint before considering prosecution.

Flag

RecommendReply

Hello Campers Dec 16, 2017

@Tony Lazzerini @Peter John @Mrs Ruth Bruce @Robert McMahon

The facts of the case in hand - previous history is irrelevant.

You're on the cusp of she wasn't a virgin so she's fair game for any predator :-z

Flag

RecommendReply

Tony Lazzerini Dec 16, 2017

@Hello Campers @Tony Lazzerini @Peter John @Mrs Ruth Bruce @Robert McMahon

That was my point!

Flag

RecommendReply

M Fishman Dec 16, 2017

Today's headlines, Rape Case Scandals, the tip of the iceberg; should surprise no one. The obnoxious Harvey Weinstein . who used the couch in his suite, for casting his next production;, ,The even more vile Jimmy Savile, who raised millions for s child charities,,exposed as the worst form of child molester, Kevin Spacey,one of theatre;s finest actor managers , no more than a homosexual predator,and Max Clifford, the renowned celebrity PR who exposed many of j his own kind, via the Sun newspaper, before becoming the headline himself. These fake public celebrities, and many others, have much to answer for!

They are going to cause grief,humiliation and ruination to many innocent victims, the victims being the 'innocents" now being accused, and seemingly disbelieved by the authorities. It is like a virus, for which there is no known antidote athe Times has been running a daily inside page of indiscretions. However, there are not enough investigators , public or outsourced who can properly investigate the accusations from the past—an impossible task.

The sooner a Truth and Conciliation Commission , is set up the better, then we can go back to the things that really mater, Did I hear Brexit? "not al all", it is whether Manchester City can continue their winning run, and inevitably win the Premier, more importantly will Jose Mourinho accept the result with good grace? That could be asking too much!, as much as ask human beings from copying their predecessors in the animal world..

Flag

2RecommendReply

Oneforall Dec 16, 2017

Is it that police want convictions no matter what? If so, then none of us are safe in regard to any area of law.

Flag

20RecommendReply

RECH Dec 16, 2017

To repeat a comment I made yesterday - this is an absolutely terrible case, and surely it is unthinkable that the police and CPS staff involved should not face some sanction. However whether the woman should be named is I think harder because of the knock on effects on others being

deterred from reporting real offences - perhaps she should be tried for perjury and only named if convicted (and it is ridiculous if there is a policy of not prosecuting for perjury in these cases, as some seem to suggest).

But all of us are complicit in creating this climate in which an unverified tweet can be taken as proof of guilt. It is terribly, terribly difficult, but we should try to remember that - to take an extreme example - Harvey Weinstein has not even been charged, let alone found guilty of anything.

And even in this case there are difficulties - practically all of us (including me in the first paragraph) are calling for the woman to be prosecuted. But actually we just don't know whether eg she may have a psychiatric condition and not be fit to plead. There are really good reasons why justice needs to be dispassionate and unemotional.

Justice is one of the absolutely central foundations of civilisation, and it was a great British jurist who said it was better that 99 guilty went free rather than 1 innocent be convicted. Alison Saunders should reflect on that.

Flag

7RecommendReply

Robert McMahon Dec 16, 2017

If she has made up claims not only should she be named, she should be charged. That said, you're right to be concerned about not deterring others from making legitimate complaints.

Flag

5RecommendReply

Arcane Solutions Dec 16, 2017

Perhaps it's time for Ms Saunders to be given her seat in the House of Lords and a replacement DPS found. She has been found wanting on a number of occasions.

Flag

10RecommendReply

Pete O'Tube Dec 16, 2017

@Arcane Solutions No. Just sack her and get a competent DPS instead.

Flag

6RecommendReply

Stephen Carter Dec 16, 2017

We now have institutional anti-menism.

Flag

22RecommendReply

chiaromonti Dec 16, 2017

The full circumstances of this case should be urgently reviewed - by someone other than the police and the CPS.

Flag

9RecommendReply

Michael Fisher Dec 16, 2017

the CPS may be "unconsciously bias[ed]" towards people who report sex offences

Unconsciously? With all the political pressure to see more men locked up I don't think there was probably anything unconscious about it.

I am wondering if there was actually any evidence against him at all, apart from her claim.

Flag

21RecommendReply
Jean Jeanie Dec 16, 2017
@Michael Fisher Complete agree with you.

Flag

7RecommendReply
Richard Briscoe Dec 16, 2017
This is the fundamental point that I think people are missing. Our justice system is supposed to be based on the principle that a person is presumed innocent until proven guilty. Without the revelation of the text messages, it seems likely this man would have been convicted, yet there was apparently no evidence against him beyond this woman's word.

Flag

7RecommendReply
Pete O'Tube Dec 16, 2017
@Michael Fisher " I am wondering if there was actually any evidence against him at all, apart from her claim."

When has the lack of evidence ever stopped the police from pursuing rape prosecutions?

Flag

4RecommendReply
lancsmarsbar Dec 16, 2017
@Pete O'Tube @Michael Fisher Well, it needs to now.

Flag

5RecommendReply
Pete O'Tube Dec 16, 2017
@Michael Fisher
Correct.

Don't forget that the purpose of the police is to investigate crime. Unlike the current witch hunts being carried out, the job of the police is not to assume that the alleged 'victim' is telling the truth. It is to investigate all sides with equal diligence and present the evidence gathered to the CPS for them to make the decision on whether or not to prosecute.

Just because someone says "He done it!" is not necessarily sufficient evidence to prosecute. That's why getting a rape verdict is so difficult.

Flag

3RecommendReply
Andrew Smith Dec 16, 2017
Everyone blaming the police. Surely the CPS should have demanded the girls phone as a matter of course

Flag

6RecommendReply
Clumsier Dec 16, 2017
@Andrew Smith The police are supposed to collect evidence and pass it on to the CPS for them to decide if there is a case. If the police says there is none, the CPS have not got the people to say there should be a second investigation. Well, that is until it dawns on them that the police have become a part of The Guardian's 'all men are rapists from birth' philosophy and suppress evidence to try and convict men simply from what a woman says, not unlike the #metoo horror where if a woman says something upto 40 years after an event they must be believed with no evidence at all. I feel so sorry for men to be honest.

Flag

16RecommendReply

Jimka Dec 16, 2017

The question is what will happen to the woman in this case????

Probably nothing because when someone makes a false accusation and gets the police and CPS on board [not hard to do plod plod] a conspiracy is formed as the state takes on the case and the false accuser has a 95% chance of avoiding any consequences since it would shine a light on the shortcomings of the CPS and the police.

Flag

19RecommendReply

libra 1 Dec 16, 2017

@Jimka In such blatantly obvious cases of dishonesty such as this, the accuser should be named (and held to account through the courts). What she put that poor young man was pure malice and other men should have a right to know the identity of dishonest accusers such as her as they pose a threat - you won't even want to share a lift alone with a evil lying ____ such as her, just in case would you? And no I'm not some bigoted misogynist I'm female .

Flag

10RecommendReply

james murray Dec 16, 2017

As the head of a major defence law firm, I can tell you that this sort of non-disclosure happens daily in the criminal courts of the UK.

-

The solution?

-

I would take a leaf out of the procedure of the American courts where any witness for the prosecution or the defence (including police officers) can be interviewed on oath right at the beginning of the case - they call it taking a deposition.

-

We do not have this, but I have indeed interviewed prosecution witnesses informally (even when they are in prison believe it or not) and have gained case-breaking evidence from them that the police have not recorded (or have ignored) when they took their prosecution statements.

-

In this country, "there is no property in a witness" and so it can be done (without the oath).

-

Law Society guidelines are that the CPS should be invited to attend the interview and that it is recorded on tape or videotape to avoid accusations of witness intimidation.

-

If this had been done to the complainant in this case, an obvious question would have been whether she had discussed the incident on social media it would have been unlikely she would have lied - she would have been warned that the statement taken would have been taken under section 9 of the Criminal Justice Act 1967 so that it would be an offence to give untrue evidence.

-

Right at the start, the defence would have had incontrovertible evidence that there was relevant evidence and the CPS would not have had had the discretion they have to keep the evidence secret.

-

These tactics I have used will become the norm here - watch this space.

-

Jim Murray

Flag

19RecommendReply

Jimka Dec 16, 2017

@james murray go Jim

Flag

2RecommendReply

chiaramonti Dec 16, 2017

@james murray In such cases it is, or should be, an obvious area for the investigating police officers to have considered including asking the complainant about phone calls, texting and use of social media.

Flag

RecommendReply

james murray Dec 16, 2017

Yes indeed.

They obviously did know about it as the presence of the texts etc in the prosecution file is what alerted the barrister to the fact that they had not been served on the defence.

Jim Murray

Flag

1RecommendReply

Richard Briscoe Dec 16, 2017

I wonder if you've really grasped what happened here. The police downloaded the contents of the woman's phone early on. They then withheld the text messages from the defence despite repeated requests, stating that there was nothing relevant in them.

It took, bizarrely, the intervention of a new prosecution barrister to force their release.

Flag

4RecommendReply

jimmy Dec 16, 2017

@james murray a very constructive suggestion Mr Murray.

Flag

RecommendReply

Hello Campers Dec 16, 2017

Key question - why do we treat rape as something special - it is an assault and should be treated as such?

Both parties should be named - assault is assault yet for some reason we ascribe to Victorian values.

The victim should not feel shame and should be named - for those who want dual anonymity there is no valid reason why the alleged attacker/s should not be named too.

If we get away from sex-is-shameful there would arguably be less contentious cases (and maybe some real news.....).

Flag

9RecommendReply

HJM Dec 16, 2017

@Hello Campers Mrs HJM

RAPE IS ALWAYS RAPE !!!!!!!!

In this case, there WAS no rape. There was NO victim only a complainant.

It is only when a guilty verdict has been reached and a crime has been established that the complainant becomes a victim.

Flag

6RecommendReply

Hello Campers Dec 16, 2017
@HJM @Hello Campers

Rape is just assault - why shouldn't the names of both parties be revealed?

(Not sure why the whataboutery - assault is assault regardless of the part of the body assaulted - you and AngelaB will be covering piano legs next.....)

Flag

RecommendReply
Angela Barratt Dec 16, 2017
@Hello Campers

Rape is a particularly vile form of assault since it involves a sexual invasion of the victim's body (male or female). It is frequently accompanied by violence and threats, and since these parts of the body are considered private, usually results in severe emotional trauma on the part of the victim. It can also result in the victim contracting a STD or becoming pregnant.

Got any more stupid questions?

Flag

RecommendReply
Hello Campers Dec 16, 2017
@Angela Barratt @Hello Campers

You illustrate my point - what is so special about sexual organs that any 'invasion' should be shameful?

Flag

RecommendReply
Richard Stout Dec 17, 2017
@Angela Barratt @Hello Campers

Not how it is currently defined to suit strident feminists. Rape can now mean simply confusion over where the petting was to stop, or not remembering, or generally regretting the previous evening's drunken debauchery.

In order to inflate "rape" statistics, the definition of rape has been expanded and diluted to the point that it is merely assault or a contentious "thought crime".

Flag

RecommendReply
John Prince Dec 16, 2017
See below...an amazing amount of censorship going on today! I wonder who is doing favours for whom??

Flag

1RecommendReply
Mrs Kay Wheelton Dec 16, 2017
Malicious or useless? Lessons have been learnt will be trawled out verdict. And as usual they won't have been. Assumption will be after immediate indignation everyone will forget about it. How can so many messages have been ignored and statement was to be of no interest to Defence. Was this an effort to get table topping results at expense of someone palpably innocent?

Flag

5RecommendReply

Mark Walker Dec 16, 2017

The Police must have a statutory duty to supply all evidence that is collected to the defence, not just a list of what they feel they what to disclose. Parliament needs to act very quickly or the law is seen to be an ass.

Flag

5RecommendReply

Graeme Harrison Dec 16, 2017

I'm sure that most solicitors and barristers have the time and resources to sift through 40,000 text messages.

And who could possibly object to having the gory details of their private life revealed to an alleged criminal, particularly if the information wasn't actually relevant to the offence?

Flag

1RecommendReply

Jeff Featherstone Dec 16, 2017

@Graeme Harrison But we're taking about where the defendant said there was relevant evidence in the texts. In those cases it's a basic duty of ensuring sound evidence to check them.

Flag

3RecommendReply

Martin R Dec 16, 2017

Dont worry it is only criminal activity against men and they are less important in the eyes of the law it seems.

Only part of the law when anyone (only men) and publicly named and shamed without ever being convicted of a crime.

The theory is the risk of ruining an innocent persons life is worth it.

Just imagine the innocent person is your husband, son, father.....

Flag

14RecommendReply

Innominatus Dec 16, 2017

" 'unconsciously' bias[ed]" police, I wonder. Why are these women doing this? How convincing are they? Are the police gullible? These are dangerous false allegations. Who is going to compensate Liam Allan and does his accuser get away with it? Presumably the what's app evidence shows she lied. How obvious to the police would this be from a mere a glance at those messages ?

Flag

6RecommendReply

JCinUSA Dec 16, 2017

Why is this being reported like it was negligence or failure? This is a copper-bottomed conspiracy by the Met to fit this guy up. It needs the inquiry the judge called for and for heads to roll.

Flag

20RecommendReply

RDS Dec 16, 2017

Like NHS staff the police are constantly being praised for their great work. Well, in some cases that's justified but for a lot of them they are hopelessly incompetent, lazy and untrustworthy. The system of commissioners running their fiefdoms has to be changed. Root and branch needs reform, but the trouble is the police union is such a bolshi bunch most governments don't want to take them on however they must to stop more cases like that youngman who might now be in jail serving a ten year sentence if it hadn't been for the persistence of his barrister.

By the way I'm looking forward to the case of conspiracy to pervert the course of justice brought against the "victim". Ten years in jail sounds a reasonable term for her.

Flag

17RecommendReply

HJM Dec 16, 2017

The trouble with rape is that a crime has not been established until there is a verdict.

So the idea of a 'victim' is a little premature.

In this case no crime took place, so there is no 'victim'.

Unfortunately the word 'accused' has only negative connotations now and even with the not guilty verdict he will be described as such.

Flag

6RecommendReply

RunOff Dec 16, 2017

The incidence of false rape reporting is very rare, the information was eventually disclosed and the man was exonerated. CPS behaved poorly in this instance and will be investigated. Why whip up hysteria over this?

Flag

3RecommendReply

John Austin Dec 16, 2017

But that's the point, it clearly isn't very rare. There have been many widely reported such cases over the last few years.

Flag

22RecommendReply

RunOff Dec 16, 2017

@John Austin Of the total amount of rape cases, the ones which get the attention of the press are false reports, and there are very few reported. If you want there to be no false reports, that will never happen, it happens with every crime. There is a procedural issue with CPS and disclosure, which also applies to other crimes and should be investigated.

Flag

2RecommendReply

JCinUSA Dec 16, 2017

@RunOff I'm sure you'd be just as philosophical about it if your family member was fitted up by the Met. Both the woman who lied and the police who aided and abetted need to be charged.

Flag

15RecommendReply

RunOff Dec 16, 2017

@JCinUSA @RunOff Is he in jail? No? I agree that the woman should be charged, and there is going to be a review.

Flag

1RecommendReply

John Prince Dec 16, 2017

@RunOff @JCinUSA ...which will lead precisely nowhere.

Flag

5RecommendReply

Paul Norton Dec 16, 2017

If the evidence so clearly exonerates the accused, as the selected quotes above indicate, this was not just a mistake or sloppiness. It was blatantly criminal activity by the police in an attempt to get a conviction. Any officer who covered up such evidence should be tried for perverting the course of justice.

Flag

13RecommendReply

RunOff Dec 16, 2017

@Paul Norton Not really. The police are hugely under resourced and pressed for time, and often overlook things, it's unlikely that they were determined to randomly stitch up a young man for rape. What's wrong probably is that the prosecution are able to choose what to disclose on the basis of what is forwarded by the police rather than a judge.

Flag

RecommendReply

Paul Norton Dec 16, 2017

The police may be underresourced, but there is a political push to get more convictions for rape and when you set targets, some people will try and short cut procedures to get the desired result. More importantly they downloaded the girl's phone. A review of the messages would have shown there was significant doubt in her story. Why did they decide to proceed? They obviously did some work to provide "evidence" that supported their case. They did not do seem to do any work or to hand over evidence that clearly showed that their case was seriously flawed. This seems to me to go way beyond lack of resources.

Flag

9RecommendReply

Stephen Mannering Dec 16, 2017

@ Runoff

If the Police do not have the time to read information from a complainant's mobile phone the question arises; why download it at all? Is it so that the Police can say, untruthfully, that they have followed procedure and found nothing of relevance? If you are correct and the Police don't have time then after downloading the information why wasn't it disclosed to the defence for them to read it?

There really is no excuse at all for failing, deliberately or otherwise, to disclose the existence of evidence. It is not just for the Police and/or CPS to decide on whether evidence is relevant or not, as this case demonstrates.

As for your apparent belief that the accused has not suffered anything, take your head out of the sand.

One more point arises. It seems to me this article in The Times fails to distinguish between those cases that collapse because information indicating the accused is innocent has not been disclosed and those in which this has not occurred and which have gone to a jury which has decided the Prosecution has not satisfied the jury beyond reasonable doubt that the accused is guilty. The two are very different.

Flag

2RecommendReply

Alan Harris Dec 16, 2017

@RunOff

Because someone's life was scarred by a false accusations from someone who got off scott free because the politically correct favour believing victims, however implausible they may be. This is injustice which needs to be put right and prevented in the future.

Flag

13RecommendReply

RunOff Dec 16, 2017

@Alan Harris @RunOff What happened to him is terrible, but he was fortunately cleared. It's tedious that people jump on this kind of event to suggest that the criminal justice system is swayed in favour of victims, when so few rape cases ever make it to trial. It's actually remarkable that this one did, clearly lessons need to be learned. It is sad that it's leapt on to discredit rape victims. The accuser might be prosecuted. False rape allegations are rare, rape is not.

Flag

3RecommendReply
seen it all Dec 16, 2017
@RunOff @Alan Harris "False rape allegations are rare, rape is not.)

[Flag](#)

Where do you get this information from?

Flag

6RecommendReply
Alan Harris Dec 16, 2017
@RunOff @Alan Harris

The problem for men is that rape (wide definition) is treated as a worse crime than murder and serious bodily harm.

Many ladies are not clear about what they want and misunderstandings can completely wreck a life. Ladies sometimes do not know what they want and may change their mind in the morning! Imagined memories also have a role and many reports arise many years after events.

The sex offenders register is the kiss of death.

Put yourself in the shoes of someone accused by a person who is anonymous to the public and you enter the glare of public knowledge and approbation? The the job goes and your partner goes and friends go. Then two years later the protected "victim" is found to have made it all up and may or may not be brought to court for attempting to pervert the cause of justice and you have no means of being compensated for being dragged through the justice system and losing everything!
This needs to be changed.

Flag

6RecommendReply
RunOff Dec 16, 2017
@seen it all @RunOff @Alan Harris Why don't you check the statistics yourself?

Flag

RecommendReply
seen it all Dec 16, 2017
@RunOff @seen it all @Alan Harris done that you are so wrong.

Flag

RecommendReply
peter nightingale Dec 16, 2017
@RunOff @Alan Harris There were actually 2689 convictions for rape last year in England and Wales.

Flag

1RecommendReply
Emily Nugent Dec 16, 2017
@peter nightingale @RunOff @Alan Harris
Wrong, there were less than 1400, The CPS mislead the public by adding the convictions for sexual assault.

Flag

RecommendReply
peter nightingale Dec 17, 2017
@Emily Nugent @peter nightingale @RunOff @Alan Harris There are separate figures for sexual assault and rape on the CPS website. 2689 rape convictions quoted for 2016-16.

Flag

RecommendReply
Alan Harris Dec 17, 2017
@seen it all @RunOff @Alan Harris

False allegations are very serious because they often leave the accused helpless. Liam was very lucky that the girl's messages were found and reached the court but if an accuser did not produce incriminating evidence of the kind found then the alleged abuser ends up in prison and with no possibility of a successful appeal.

We only have one life and for that to be wrecked because of a protocol of accepting a "victim's allegations" is so unjust as to be a crime in its own right.

Flag

1RecommendReply

seen it all Dec 17, 2017

@Alan Harris @seen it all @RunOff Totally agree.If anyone wishes to bring a case in court the participants must be seen and accounted for.

There is no argument for protecting the accuser.

Flag

RecommendReply

Alan Harris Dec 17, 2017

@seen it all @Alan Harris @RunOff

There is however a presumption that the victim is telling the truth even without forensic evidence.

Flag

RecommendReply

seen it all Dec 17, 2017

@Alan Harris @seen it all @RunOff Is there? It does not appear so from actual cases.

Flag

RecommendReply

Angela Barratt Dec 16, 2017

The thing that stands out for me in this case, apart from the truly appalling incompetence of the police and CPS, is the integrity and diligence of the two barristers, particularly the prosecution counsel. Without that, this unfortunate young man would probably have been unjustly convicted and had his life totally ruined by a woman's vindictive accusation.

That it is on such slender threads that someone's life depends is a dreadful indictment of the state into which our once-respected justice system has been allowed to descend. This has been a gradual process over a long period of time and governments of both persuasions are culpable. Immediate action must be taken to ensure that we have a justice system that is once again fit for purpose and one that we, the citizens of this country, can rely on.

Flag

31RecommendReply

John Prince Dec 16, 2017

@Angela Barratt

Dream on....

Flag

1RecommendReply

SS Dec 16, 2017

Indeed, a Justice system rather than a "legal" system.

Flag

2RecommendReply

Adrian Turner Dec 16, 2017

@Angela Barratt The irony is, prosecuting counsel instructed disclosure *without* knowing what the records contained *or* that the test for disclosure was met.

The is the opposite of what should happen under the disclosure regime, but it is a regime predicated upon police disclosure officers doing their job properly.

Flag

1RecommendReply

Stephen Mannering Dec 16, 2017

@ Angela Barratt

Well said. Ignore cynics like John Prince.

Flag

1RecommendReply

Avicenna Dec 16, 2017

It is art of the misandry directed as men, which ranges from viewing men as inferior to women, men's normal behaviour, such as liking beer (but wine for women is fine), watching football (but watching soap opera and junk link celebrity tv is fine), being bousterous (but backstabbing is fine) etc....

Medical schools totally discriminate against men, as does nursing and teaching.

Recently I heard of a man being described as a bit 'Harvey Weinstein', no foundation at all. The rumor was picked up and snowballed. Nothing what ever in it at all. The accuser hides behind HR anonymity.

Men are more targeted than women and in this rape case the malicious accuser should go to jail for 20 years and involved police and CPS sacked for gross misconduct and loss of pension.

Flag

17RecommendReply

Stephen Carter Dec 16, 2017

@Avicenna Yes, i keep reading about women's rights and the so called gender pay gap etc , but in matters of law women are far more equal than men. It's an inconvenient truth that the family law courts discriminate against men (it explains why 70% of divorces are initiated by women). It's also a national scandal that the mere accusation against a man for sexual harassment can lead to a career and a life totally ruined.

Flag

11RecommendReply

Krunger Dec 16, 2017

The police are not really like the action heroes we see in TV cop dramas. In reality the police are motorised civil servants with all the incompetence and indolence that are usually associated with those two words.

The usual anodyne speech's about "learning important lessons" are not good enough . The police have existed in their current form for decades they should have learned all the important lessons by now.

The police need to be reformed with an officer class that can lift standards and impose discipline.

Flag

13RecommendReply

Bushman101 Dec 16, 2017

@Krunger It is indeed the case that the Police lack a decent officer class. I haven't seen them field anyone in the same class as, say, Tim Collins, when their senior commanders appear on the news.

Flag

1RecommendReply

Trajan Dec 16, 2017

Nowdays you are guilty until proven innocent - but the damage is done to the accused. All the police appear to be interested in these days is statistics. It is irrelevant if you are innocent all they want to do is increase the rape conviction figures and so what if reputations are ruined.

Flag

11RecommendReply

Yorkshireman Dec 16, 2017

Having a relative who has gone through 2 years of hell on a similar charge as this and seeing the effect upon him and upon close family members , I cannot see how the criminal law can work properly in these so called "rape" cases. They are just not rape cases as we oldies know them. I am in my young 60s. They are cases when a young man, usually of good character meets a girl and the two usually a little worse for drink end up in bed together. What happens can be classed as immoral but not criminal. So I believe it is not just the procedures that need changing re police and prosecution but a complete change in the criminal law . Before the ardent feminists start on me, this is a view shared by most women I speak to for this type of case. The law should always protect women from assaults and rapes but there should definitely be a redefinition of criminality in these types of cases where the "victim " has initially gone with the man. As to anonymity, the current situation is simply scandalous naming the "suspect" and not "the victim".

Yorkshireman's wife.

Flag

29RecommendReply

HJM Dec 16, 2017

@Yorkshireman Mrs HJM

I am an ardent feminist and I support you

Flag

14RecommendReply

Graeme Harrison Dec 16, 2017

Because once a woman has "gone with the man," she's his thing to use as he sees fit, whether she says no or not.

Flag

RecommendReply

John Prince Dec 16, 2017

@Graeme Harrison Bollox

Flag

10RecommendReply

Graeme Harrison Dec 16, 2017

Yes, I know. Apologies that you don't do sarcasm.

Flag

1RecommendReply

Adrian Turner Dec 16, 2017

@Yorkshireman Hopefully this kills off any idea of lowering the standard of proof in rape cases. (Yes, that was really being considered to improve the conviction rate!).

Flag

4RecommendReply

Bar Tennent Dec 16, 2017

Sometimes girls fib?

Flag

12RecommendReply

Picador Dec 16, 2017

Only one solution - carry a contract template with you confirming that sex is consensual and keep it in the same pocket as your contraceptive. (Note to some - this is not a serious proposition). What is the world coming to?

Flag

11RecommendReply

SS Dec 16, 2017

What if you're forgetful, sign the contraceptive and use the contract to...?

Flag

RecommendReply

John Austin Dec 16, 2017

Did anyone else see the Met's statement reported in the Grauniad yesterday lunchtime, that they were having an internal review and staying closely in touch with "the victim"?

Even then they would not admit how shockingly badly they had behaved and had nearly had an innocent man sent to prison and still referred to this proven liar as "the victim".

Where's the justice?

Flag

20RecommendReply

Richard Linsell Dec 16, 2017

We must thank the barristers. Those practising at the Criminal Law Bar are, for the most part, badly paid; when defending they can get sent papers for a case a day or two before the trial. But without them Mr Allan and the other innocents would be in a sex offenders wing of a prison and scarred for life. Thanks to them our justice system and the rule of law are just about intact. Lawyers are often vilified in these comments; here they must be praised.

Flag

25RecommendReply

HJM Dec 16, 2017

@Richard Linsell Mrs HJM

In the past I have often thought badly of barristers as a result of comments by the police.

Today the balance has changed for me.

tragic

Flag

4RecommendReply

Richard Strickland Dec 16, 2017

You can't trust the police, they're more interested in their social engineering and politically correct duties than solving crime.

More interested in chasing people for saying mean things on twitter and facebook than protecting white girls from the muslim rape gangs.

More interested in arresting someone for leaving a rasher of bacon outside a mosque than dealing with FGM.

They should be stripped of their pension rights en-masse and be investigated on a personal level, and made to pay damages on a personal basis to those that they have failed.

Flag

19RecommendReply

John Bale Dec 16, 2017

@Richard Strickland Brilliantly well put. May I quote this ?

Flag

4RecommendReply

Foreversideways Dec 16, 2017

Why has the very interesting account of what really goes on been deleted, the person clearly went to a lot of trouble to compose it and I for one found it very interesting.

Flag

4RecommendReply

Richard Strickland Dec 16, 2017

@Foreversideways always screensave

Flag

2RecommendReply

BARBADOSBELLE Dec 16, 2017

.
AS DID I.
AS WOULD MOST PEOPLE.
WHERE IS IT?
.

Flag

1RecommendReply
Hilary Manser Dec 16, 2017
Anyone screen shot it? Can you repost?

Flag

2RecommendReply
Adrian Turner Dec 16, 2017
@Foreversideways It must have been the author's decision. For the benefit of those who did not read it, he was a police officer and he related that the majority of the complaints of rape he investigated as a first responder turned out to be false and malicious. He also described the indignities that suspects suffer and the lack of any comeback against the false accusers. It is one thing, when a prosecution fails through lack of proof, and quite another when the complaint is proved to have been false all along. In the latter case, he argued that action should be taken against the 'complainant'.

Flag

22RecommendReply
John Prince Dec 16, 2017
@Foreversideways
Yep. I've been censored too, today.

Flag

2RecommendReply
Knight Dec 16, 2017
Why has the comment by @@Jonathan been deleted??? Has he been censored?

Flag

5RecommendReply
Richard Strickland Dec 16, 2017
@Paul Knytl @Jonathan Carter-Langclosely behind the police for consistent cover ups are the media and politicians. That explains the deleted post.

Flag

5RecommendReply
Bar Tennent Dec 16, 2017
Coppers following orders from higher ups

Flag

4RecommendReply
Jonathan Dec 16, 2017
I wasn't censored and no cover up.... writers choice to delete.

Flag

1RecommendReply
Ben Dec 16, 2017
The paw of misandry rests heavy on the scales of justice.

Flag

6RecommendReply
Barry Faith Dec 16, 2017
"Here is an example as to what is happening within the NHS in terms of false accusations made against a whistleblower: <https://sharmilachowdhury.com/>. Sharmila has still not had redress for

doing the right thing and her health and career has suffered. She is now raising funds to bring a legal case to defend whistleblowers: <https://www.crowdjustice.com/case/nhs-whistleblower/>.”

Flag

1RecommendReply

This comment has been deleted

Adrian Turner Dec 16, 2017

@Jonathan Carter-Lang Your conclusion is right. Nobody should be prosecuted unless the case passes the evidential test - is a conviction more likely than not. If that conclusion is reached about the maker of a false complaint of rape that person should be prosecuted.

Flag

7RecommendReply

Foreversideways Dec 16, 2017

Thanks for spending the time to write that, a totally non politically correct explanation of what actually goes on in the real world not the fantasies made up by feminists.

Flag

4RecommendReply

Stelling Dec 16, 2017

@Foreversideways where is that comment ? Surely Times censorship can't be added to this awful situation ?

Flag

2RecommendReply

Jonathan Dec 16, 2017

@Stelling @Foreversideways No sensorship by The Times. I chose to delete.

Flag

1RecommendReply

Stephen Mannering Dec 16, 2017

@Jonathan

Are you able and willing to explain why you chose to delete?

Flag

RecommendReply

Hilary Manser Dec 16, 2017

@Foreversideways : I think most feminists hate this sort of thing. It casts doubt on the real sexual violence that happens.

Flag

3RecommendReply

HJM Dec 16, 2017

@Hilary Manser Mrs HJM

These comments are interesting,
Could someone tell me what was deleted?
Thank you

Flag

1RecommendReply

Howard M Dec 16, 2017

So for two years the police involved in this case knew phone records could exonerate this man and the hell he and his family were living through but they couldn't be bothered. Pretty obvious a man accused of assault is immediately considered guilty by the police and CPS. What third world country is this?

Flag

11RecommendReply

Sarah Grimshaw Dec 16, 2017

@Howard M Well, it's clearly not a third world country. In third world countries women must collect firewood in groups in an attempt to protect themselves from rape and assault, they know full well that if this should happen there will be no justice.

There are a lot of funding cuts of all services, including police. I am not excusing the police officer who's job it was to check the evidence. I am also not excusing the prosecution lawyer who should have handed over the phone records as requested. These are failures in a system, however, not the complete lack of system that is found in countries with less resources

Flag

1RecommendReply

ThePipster Dec 16, 2017

@SarahGrimshaw - your first para could, at a stretch, apply to Rochdale, Burnley (there only last week) , Nelson, parts of Bradford..... but your second does point to a serious flaw in the UK's budgetary priorities. I thought it was the Telegraph that reported a pitiful annual Police budget of just £7bn. I think The Times estimated it at £12bn. We give more to N Ireland by a long way. We're preparing to give another £40bn to the EU on top of all our other net positive contributions, and still the Intl Aid farce swallows £13bn pa! The basket case NHS spends £140bn, same on Welfare..... When are those soft headed parliamentarians going to wake up and start investing at home?

Flag

RecommendReply

Sarah Grimshaw Dec 16, 2017

@ThePipster I'm not sure about where in Rochdale you are referring to? I live in Bolton area and have been there several times, it's not the impression I got. You may have been to Burnley, but I doubt you have been to Somalia. I don't think you can stretch a comparison that far..

I do agree that we should better resource our public services. The money that is saved from cutting resources for vulnerable people to the bone is not apparently doing anything for the deficit anyway. The tax cut for the wealthy did come from the disability support cuts... :-{

Flag

RecommendReply

ThePipster Dec 16, 2017

@SarahGrimshaw - used to live in Manchester and know the old mill towns really well, including Bolton!

What's more, I have indeed been to Somalia, and I can tell you that Mogadishu is bigger now than it was but it's still a dump despite all that international aid. Same for Yemen, Eritrea, Sudan,even Egypt and Kenya are in a mess courtesy of some of their grim neighbours. Simple truth is, wherever they've been is a dump and wherever they go becomes a dump - question of time.

Flag

RecommendReply

Sarah Grimshaw Dec 18, 2017

@ThePipster I've actually never been to Somalia :-P, have been to visit friends in Kenya and South Africa, they seemed nice, but you can't go out after dark..

I certainly haven't had that problem anywhere around where I live. I find Bolton area so friendly, anyone will chat to you, just about. Reminds me a bit of Glasgow.

Flag

RecommendReply

ThePipster Dec 18, 2017

@SarahGrimshaw - always liked Bolton and love Glasgow to bits, but in Somalia, Yemen and so many similar places you have missed absolutely zip! And they all have the one thing in common, and there are a lot of people bringing it here. There is no upside! Don't get caught out in Nelson on Mo's birthday! Have a good one.....Xmas that is.....can we still say that or will it offend the PC Police?

- RecommendReply
Geoff Loughborough Dec 16, 2017
40,000?! She sounds slightly obsessed. Flag
- 4RecommendReply
Graeme Harrison Dec 16, 2017
@Geoff Loughborough About staying in touch with her friends over perhaps many years via social media? Flag
- 2RecommendReply
Geoff Loughborough Dec 16, 2017
Even over 3 years that's 40/day. Flag
- 2RecommendReply
Angela Barratt Dec 16, 2017
@Geoff Loughborough
Not unusual for a young woman, and clearly, she has an obsessive personality, not to say twisted. Flag
- 2RecommendReply
Graeme Harrison Dec 16, 2017
And? Flag
- RecommendReply
Rich Sims Dec 16, 2017
You need a degree to enter the police these days, but what about honesty, integrity and common sense. The best advice is to stay as far away from them as possible after Hillsborough etc etc. Flag
- 5RecommendReply
Jonathan Dec 16, 2017
@Rich Sims The Police of today are not the Police of the 80's when the Hillsborough tragedy took place. Most colleagues I work with either were not born or were toddlers when Hillsborough happened. And the majority of Police officers from the 80's are now retired. That's like saying all children's home workers today are the same child abusers that worked in care homes in the 70's & 80's that are now coming to light. Flag
- 2RecommendReply
MuddledThinker Dec 16, 2017
It seems like every story I read about the British police fills in a growing picture of laziness, incompetence and political correctness. Anecdotes from friends and relatives in the UK support this as well. I'm an expat in the US - how bad has it really gotten? Flag
- 8RecommendReply
Bar Tennent Dec 16, 2017
PC BS bad in US too Flag
- 1RecommendReply
Zara Hardy Dec 16, 2017
If the withheld phone evidence is as damning as reports suggest, it is imperative that Mr Allan's accuser receives the maximum sentence for perverting the course of justice. Flag

Her crime is tantamount to rape, both to the innocent accused, and the cause of women who have actually been the victim of this devastating violation.

Flag

17RecommendReply

C J Delmege Dec 16, 2017

This is not about "cuts" and lack of resources. It's about laziness, incompetence, and a credulous attitude to those who allege sexual assaults- never complainants, always "victims". Even in this case !

Management, not money, is the problem.

Flag

19RecommendReply

Angela Barratt Dec 16, 2017

@C J Delmege

Time spent on an investigation has to be costed and accounted for, and budgets adhered to. I would imagine that, seeing 40,000 texts and messages, the officer dipped into one or two at random, found that these were fairly innocuous and decided it wasn't worth the time to go through the whole lot.

Bad mistake.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

I'd imagine that software would have allowed potentially relevant material to have been rapidly identified.

Flag

3RecommendReply

keith gibson Dec 16, 2017

Saunders must go NOW.

Flag

13RecommendReply

Adrian Turner Dec 16, 2017

@keith gibson Why? The fault lay with a police officer, not CPS staff, let alone Ms Saunders personally.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

But Ms Saunders appears to think that rape is a serious crime that should be prosecuted. So you'll understand the concern of some correspondents here.

Flag

RecommendReply

Angela Barratt Dec 16, 2017

@Adrian Turner @keith gibson

It is the job of the CPS to examine and evaluate the evidence accumulated by the police and to make a judgement as to whether prosecution should proceed on the strength of it. They should have noticed that the so-called victim's phone records hadn't been examined and questioned it, as this could provide key evidence. This failure makes them just as culpable as the police and reflects badly upon Mrs Saunders's management of the CPS.

Flag

5RecommendReply

Adrian Turner Dec 16, 2017

@Angela Barratt @Adrian Turner @keith gibson It's the job of the police disclosure officer to do that. The CPS was told the records had been examined and there contained nothing detrimental to the prosecution case.

The CPS prosecutes hundreds of cases every day. Ms Saunders cannot possibly oversee them all, let alone double check every disclosure evaluation by the police.

Flag

1RecommendReply

Gladismonroykd Dec 16, 2017

Is there a reason for not handing over all evidence to the defence?

Flag

6RecommendReply

MuddledThinker Dec 16, 2017

@Gladismonroykd Er yes. Similar to having the right to know and challenge your accuser. How can any credible defense be mounted in criminal cases without knowing accusers and the evidence supporting their accusations?

Flag

2RecommendReply

Graeme Harrison Dec 16, 2017

@MuddledThinker @Gladismonroykd MuddledThinker by name and nature as the question was 'Is there a reason for **not** handing over all evidence to the defence?'

The answer to that is yes: why would the defence want to know and why should they told what she and a friend were planning to watch at the cinema if that has no relevance to the issues in the case?

Flag

RecommendReply

Adrian Turner Dec 16, 2017

@Gladismonroykd It is handed over if it is to be used by the prosecution.

We are talking here about 'unused' material. As a result of the antics of the defence industry in the 80s and 90s, which often tried to grind down the prosecution with ludicrous disclosure demands, a statutory scheme was established.

In summary, the prosecution must disclose 'unused material' (as defined) which has come into its possession during the investigation if: a) it could undermine the prosecution's case; or b) it could assist the case for the defence (usually as set out in a defence case statement).

Clearly, in the present case, there was a dreadful failure to comply with the statutory obligation until very late in the day.

Flag

2RecommendReply

A Lodge Dec 16, 2017

@Gladismonroykd Yes. It is about cost. Defence lawyers are paid per page of evidence. Handing over this material/evidence costs and therefore not done. Shameful but this is far from the only case that such a thing is done.

Flag

RecommendReply

Stephen Dunne Dec 16, 2017

I wonder how many 'rapists' and others are in jail because of police / CPS corruption / incompetence? So much for the 'Great British Legal System'.

Flag

11RecommendReply

Stelling Dec 16, 2017

This must not be dismissed as laziness and incompetence. Evidence, blowing the prosecution case out of the water, was deliberately withheld. Those involved must be prosecuted and imprisoned.

Flag

26RecommendReply

Foreversideways Dec 16, 2017

It needs a thorough investigation and the officers should be prosecuted if necessary along with the fantasist.

Flag

9RecommendReply

HJM Dec 16, 2017

Mrs HJM

For all my 72 years I have supported the police and all who sail in her.

But for the last decade I have had to swallow deeply so often to keep the faith.

This case is the straw on my camel.

I am truly, truly very sad today

Flag

26RecommendReply

MaryR Dec 16, 2017

Two years to hand over tapes that clearly and completely exonerated the accused. Surely this is a clear case of trying to pervert the course of justice, rank dishonesty rather than incompetence?

Flag

29RecommendReply

Ducati Dave Dec 16, 2017

@MaryR Clearly, so someone should be held to account.

Flag

10RecommendReply

Sarah Grimshaw Dec 16, 2017

@MaryR Why though? Why would they want to pervert the course of justice in this case? Who benefits from a twentysomething year old laddie going to jail for something that he didn't do? People are generally more often stupid/lazy than malicious in my experience

Flag

4RecommendReply

lancsmarsbar Dec 16, 2017

@Sarah Grimshaw @MaryR Rather than asking 'who benefits?' it might be better to ask 'what benefits?' and the answer is: the conviction targets which should simply not exist in a fair justice system.

Flag

1RecommendReply

Sarah Grimshaw Dec 16, 2017

@lancsmarsbar @Sarah Grimshaw @MaryR If the evidence had been properly viewed there would have been no charge to effect the conviction targets- so it still doesn't add up...

Flag

RecommendReply

MaryR Dec 16, 2017

@Sarah Grimshaw @MaryR because phone records along with hard drive searches are a first port of call for criminal investigations. Communications between the accuser and the alleged offender would have been scrutinised. To think that this was not done, that an innocent man was subjected to a false accusation of rape, charged and brought to trial, was threatened with long imprisonment and bore this hell for two years simply because the police had not done basic investigative work is, to my mind, even scarier.

Flag

1RecommendReply

Sarah Grimshaw Dec 16, 2017

@MaryR @Sarah Grimshaw I agree with you- I find it terrifying. I do think it's the most likely scenario though. (I frequently find people terrifying, so I'm used to it)

Flag

RecommendReply

Hem Laljee Dec 16, 2017

Police it looks work on the principle that everyone is guilty until proven otherwise. It might be the lack of persons on the floor to look all cases individually. More and more regions are being amalgamated to be served by the same number of experts and seniors. It is the Devolution and cutting of resources. If Justice is under EU control then the directive comes from there. Is it?

Flag

2RecommendReply

Stephen Dunne Dec 16, 2017

@Hem Laljee Always the EU's fault!

Flag

2RecommendReply

Graeme Harrison Dec 16, 2017

@Hem Laljee To the extent that it's possible to understand your comment, Justice is not under EU control.

Flag

3RecommendReply

Angela Barratt Dec 16, 2017

@Hem Laljee

Justice is not under EU control and never has been.

Flag

RecommendReply

Jeff Featherstone Dec 16, 2017

The claims of overload of work and of evidence do not explain the failure to disclose the text messages in this case. This was not a situation of an inability to notice the relevance of the texts amongst mountains of other evidence. The defendant had made a specific allegation that the texts had relevant evidence that would exonerate him. In that situation, identifying the texts and making them available would surely have been an easy job, and also one in which it should readily have been recognised that the case could not proceed until this had happened.

Flag

9RecommendReply

Toomuch Time Dec 16, 2017

"Police and CPS staff blamed "limited resources and lack of time" for the poor disclosure of evidence"

Always someones else's fault, no accountability!

Flag

13RecommendReply

Ducati Dave Dec 16, 2017

@Toomuch Time Clearly untrue. It was deliberately withheld and someone needs to be held to account if public trust in the legal system is to be maintained.

Flag

14RecommendReply

Sarah Grimshaw Dec 16, 2017

@Ducati Dave @Toomuch Time Why would they withhold it? My understanding was that people who work in the legal system justify their actions through 'the pursuit of justice'. If they found something that clearly showed someone to be innocent they would no longer have any motive to work on that case when they have so many others that need attention and so little time. It's not like they get paid per prosecution..

Flag

2RecommendReply

Ducati Dave Dec 16, 2017

@Sarah Grimshaw @Ducati Dave @Toomuch Time I agree, that is a conundrum.

However, it is difficult to see how it could have been overlooked as a result of "limited resources". So I come to the conclusion that, on the balance of probabilities, someone took it upon themselves withhold evidence.

Regardless it being possible to prove malfeasance, however, someone should be held to account in order to maintain faith in the justice system, don't you agree?

Flag

3RecommendReply

Sarah Grimshaw Dec 16, 2017

@Ducati Dave @Sarah Grimshaw @Toomuch Time I am sad to say that limited resources are a big problem at the moment, not just in the police, but also the NHS, where there are frequently ambulances backed up at the entrance to A and E where there are no facilities to deal with the incoming emergencies.

My recent experiences with public services and what I've read about drops in police officer numbers I'm afraid it is easy for me to believe.

I do agree with you that there should be people held to account for the situation.

Flag

RecommendReply

Rozel Dec 16, 2017

I can't comprehend the sheer volume of messages on her phone, 40,000! They can't all have been to him but even so, she must have been harassing him. Perhaps that could be added to the charge sheet against her.

And Alison Saunders should resign.

Flag

17RecommendReply

Graeme Harrison Dec 16, 2017

@Rozel The 40,000 messages weren't all to him. So how does sending a lot less than 40,000 messages to him amount to harassment?

Flag

RecommendReply

Rozel Dec 16, 2017

@Graeme Harrison @Rozel I'm inferring that a great deal were sent to him otherwise the figure would not be so widely reported.

Flag

5RecommendReply

Graeme Harrison Dec 16, 2017

@Rozel @Graeme Harrison You're not inferring; you're speculating. They're different.

Flag

1RecommendReply

Gary Stapleton Dec 16, 2017

Do they think that an apology cuts the mustard - I think not! This is a countless tale of complacency, incompetence and woeful standards, combined with unbelievable abrogation of responsibility and accountability. These failures are not excusable. It is very apparent that from the top all the way through to the bottom tiers of the Police Force, The Legal Profession and the CPS unprofessional practice is rife. There should not be targets, except that every crime should be fully investigated and disclosure should occur immediately to all sides as soon as the information has been professionally scrutinised, and in detail. Case facts should not have to be pleaded for, but given to both The Prosecution and The Defence from the start. If either lawyer fails in their duties they should be reprimanded, financially penalised and even debarred for a period of time. This country needs a system of Full Accountability, is that not why many of these people are highly trained and get paid large sums of money. In essence, this trial was a complete waste of public money, money that should be retrieved from the lawyers involved in the case, the police and the accuser. In addition, compensation needs to be paid to the disgracefully and wrongly accused. My suggestion, is to cancel, for the next 2 years, the entire overseas aid budget, a staggering £13BN a year, and increase the budget, manpower and training of our Police Forces. Also a letter, should be sent by the PM to all Police Forces and Legal establishments about standards, expectations, responsibilities and accountability, and pointing out that any professional transgressions or failures is met head-on those in error or found wanting made to pay a heavy price. This evident lack of leadership, excellence by example, responsibility and accountability pollutes every area of our society, from the PM, the MPs, CEOs, the NHS, in Education and across all public projects. Over the last few decades we seem to have adopted a self-important, narcissistic, greedy, media image and staged, celebrity driven, superficial and materialistic society. Staggering that the Foreign Office has to warn Boris about possible contraventions and exposures. Obviously he is a man without integrity, without honesty and spins unintelligible words and phrases for media consumption that do not inform but demean and insult the public, and our level of global awareness, understanding and knowledge. Rightly we should all be furious.

Flag

6RecommendReply

Stelling Dec 16, 2017

@Gary Stapleton anyone who did not already have contempt for the British legal system, should revise their opinion. Sadly, standards are not much better right across our public sector.

Flag

6RecommendReply

Mr Nettleford Dec 16, 2017

Absolutely spot on! I was Ousted from my home in 1990 under false allegations from my ex-wife that I had assaulted her when I was actually protecting my one year old son form an assault by her. She was undergoing psychiatric assessment at the time for her violence. When I went for custody the lawyers hid the key psychiatric evidence and she kept custody and killed my son after years of abuse 20 years later. Even when I sued the lawyers they covered up the evidence and won the case. They now want £159,000 off me in costs! Its easier to win a case against a man than a woman, that is what this is all about!

Flag

14RecommendReply

Graeme Harrison Dec 16, 2017

@Mr Nettleford If only you'd mentioned the psychiatric assessment in court.

Flag

5RecommendReply

William Croom-Johnson Dec 16, 2017

So the Times sees fit to include names of the 3 men mentioned who were falsely accused. Not so their accusers, of course. As ever, lessons will be learnt. Of course. But not by the Times.

Flag

12RecommendReply
Mark Eltringham Dec 16, 2017
@William Croom-Johnson The Times isn't allowed to publish the names, even if they know them. Flag

5RecommendReply
C J Delmege Dec 16, 2017
@William Croom-Johnson As they were completely exonerated I think that's fair enough. The continuing anonymity of their false accusers is not. Flag

8RecommendReply
Ducati Dave Dec 16, 2017
@William Croom-Johnson The accusers are protected by lifelong anonymity. The Times would be guilty of contempt of court if it named them. Flag

2RecommendReply
William Croom-Johnson Dec 16, 2017
@Ducati Dave @William Croom-Johnson Of course. My point is that the Times should not be repeating the names of those falsely accused, who ought to be allowed the remnants of the anonymity that they were denied in the first place. Flag

1RecommendReply
Mark Eltringham Dec 16, 2017
@William Croom-Johnson @Ducati Dave So you're arguing that somebody who has been named in the press and court proceedings should then become anonymous once they've been cleared? Flag

RecommendReply
William Croom-Johnson Dec 16, 2017
@Mark Eltringham @William Croom-Johnson @Ducati Dave Just leave them alone. Flag

1RecommendReply
CM Dec 16, 2017
When is Allison Saunders going? Flag

18RecommendReply
ThePipster Dec 16, 2017
@CM - spot on ! When did useless senior officials stop 'walking' when they mess up? Nowadays they just sit tight and offer hopelessly inadequate apologiesfor ruining people's lives no less! Flag

5RecommendReply
Paul Kelly Dec 16, 2017
@ThePipsterAnd wait for the big pay-off. Flag

4RecommendReply
Adrian Turner Dec 16, 2017
@CM She had nothing to do with the non-disclosure of this material, and the fault lay with a police officer and not CPS staff. So where is the sense in calling for her head over this? Flag

RecommendReply
Ben Dec 16, 2017
@Adrian Turner @CM Saunders is too focused on tax-payer funded overseas jollies and not doing her day job. Flag

RecommendReply

Adrian Turner Dec 16, 2017

@Ben @Adrian Turner @CM Really! That still does not make her responsible for this. What could she have done to prevent this officer's dereliction of duty?

Flag

1RecommendReply

Angela Barratt Dec 16, 2017

@Adrian Turner @Ben @CM

She could have ensured that her own staff were adequately trained and capable of doing their jobs properly.

Flag

RecommendReply

Angela Barratt Dec 16, 2017

@Adrian Turner @CM

The CPS staff, whose job it is to examine and evaluate the evidence and make decisions about prosecution, should have noticed that the phone records had not been provided and questioned their absence. In this they share responsibility with the police.

Flag

RecommendReply

grumpygit Dec 16, 2017

Can the accused now take out a civil action for defamation? If so would the other party retain the right to anonymity?

Flag

6RecommendReply

Gary Stapleton Dec 16, 2017

@grumpygit Hopefully not - she has lost the right of anonymity, as he did.

Flag

2RecommendReply

Mimir Dec 16, 2017

@mentoo anyone?

Flag

6RecommendReply

Adrian Turner Dec 16, 2017

'Under-resourcing' has nothing to do with what happened in this case; through incompetence or worse an officer decided he would not hand over what turned out to be crucial exculpatory material for the defendant.

This is shocking. An apology is not good enough. There has to be accountability; dismissals or even prosecutions. Then, maybe, people would do their jobs properly.

Flag

13RecommendReply

Peter Iden Dec 16, 2017

We must either have anonymity for both parties or both must be named.

Flag

6RecommendReply

Ray Whitehouse Dec 16, 2017

Where is this so called apology, I want to see it word for word. Also where is the apology from the police. I know they can't be sued but they could at least say sorry for messing up a man's life. Perhaps they should ask the poor guy for a victim statement to be given and read out in public so the people who messed up know what they've done.

Flag

4RecommendReply

Gary Stapleton Dec 16, 2017

@Ray Whitehouse The Police are gutless, they should immediately apologise, it's not as if their role and the evidence is challengeable. We are unfortunately led, I hate to use that word because in most cases of people holding high office this is categorically a misnomer, by overpaid and politically correct individuals. When the Police Commissioner finally does come to the table to admit gross and indefensible failures and negligence in the handling of this case, and probably many others, with strong words delivered and uncompromising questions asked by the Media.....Pigs can Fly!

Flag

1RecommendReply

grumpygit Dec 16, 2017

I do not believe the police and the CPS are "unconsciously bias[ed]" towards people who report sex offences, I believe they are deliberately biased. This may be understandable given the pressure to "improve" conviction rates in these cases but it does not make it right.

Surely if the CPS was doing its job properly there would be no need for disclosure, as this case would not have gone to court, given the evidence on the telephone. The CPS would have access to all the evidence; isn't disclosure their responsibility rather than that of the police, whose role, as I understand it, is to gather the evidence and then pass it on to the CPS to make a decision regarding prosecution or otherwise. If they were to replace the people who made such a crass decision in this case, with better-quality workers who were better-able to assess the evidence, they would perhaps not find their time and resources were so limited.

Flag

6RecommendReply

Saint John Dec 16, 2017

Not surprising -you get whatever you reward . If you reward convictions then things will be done to get convictions .

If you reward correct and just process (which we don't) then you will get better outcomes.

The Police are trained to believe nothing or no one - but to look at the evidence . But they are also measured by getting convictions .

The CPS are specifically instructed to raise the conviction rate for rape cases . Unsurprisingly their actions are consistent with doing that .

Lets start again and reward being just -and ensuring justice is done . If policemen were promoted and rewarded for being fair and thorough this sort of case would not happen so often

Flag

7RecommendReply

C J Delmege Dec 16, 2017

@Saint John I agree. But the conviction rate has in fact halved (to 7.5% of all allegations). Which tells you something of the credibility of those allegations as a whole.

Flag

1RecommendReply

Saint John Dec 16, 2017

@C J Delmege @Saint John

So there are more reports of rape but convictions have not increased .

I find the arguments that it is due to insufficient evidence very unconvincing .

I suspect it has more to do with Juries being sensible men and women of the world.

Flag

RecommendReply
CLASH Dec 16, 2017

This is a political position by the police, they are deliberately performing badly to demonstrate that they are under resourced. i have experienced this a few times myself as have my friends.

They do not investigate cases properly, my case fell apart after the police raided an old address of the fraudster despite being told several times he had moved 500 yards to a new address after he purchased a new house.

Case was dropped and as I found out you cannot sue the police for negligence and they did not care at all.

A five point plan was created by the Chief Inspector investigating my complaint, one of the points was to ensure that police check the latest location of a suspect before they are raided - I mean really???

The police are now 'Politicised' and all this is their way of proving they are under-resourced, its like industrial action.

Always the same in these public servant establishments where they are not accountable - different for builders, plumbers, architects, entrepreneurs and most self employed - they all just get on with it because they do not have the public service safety net to hide behind.

Flag

10RecommendReply
Anthony Muddiman Dec 16, 2017

@CLASH Very true and how many stolen items ever get recovered, especially cars and machinery, too much trouble.

Flag

2RecommendReply
JDM Dec 16, 2017

@CLASH True except that they can find the resources to investigate those areas beloved of the PC shower - the hate crime of wolf whistling, aggressive tweets or decades old sex crimes (eg putting hands on knees by long dead slebs).

I read that much of this is caused by promotion depending as much on PC'ness as competence and has led to major snowflakery at the top

Flag

4RecommendReply
Julian Bassett Dec 16, 2017

"limited resources and lack of time"...what a lame and predictable excuse.

Flag

6RecommendReply
j turner Dec 16, 2017

Many people spend years - years!, not months or weeks - in jail, not tried but on remand, waiting for trials, waiting for evidence and then get acquitted or do not go to trial or then get smaller sentences than the time spent in jail on remand. Meanwhile thousands of repeat offenders, get smaller and smaller sentences because the system cannot cope with them.

Flag

2RecommendReply

Graeme Harrison Dec 16, 2017

@j turner Could you cite some recent cases of people spending 'years - years!', on remand because the custody time limits imposed by statute say that shouldn't be happening?

Flag

1RecommendReply

C J Delmege Dec 16, 2017

@Graeme Harrison @j turner Paul Gambaccini spent almost two years on Police bail, unemployable and in a legal and personal limbo. Might just as well have been in prison.

Flag

1RecommendReply

Barry Faith Dec 16, 2017

@C J Delmege @Graeme Harrison @j turner

The same happened to Jim Davidson. His book, 'No Further Action' graphically illustrates what happens with false accusations and the human and financial cost to the true victims.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

@C J Delmege @Graeme Harrison @j turner But he wasn't on remand 'in jail' was he? And the assertion was that people spend years on remand 'in jail' not that they spend years on bail.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

@Barry Faith @C J Delmege @Graeme Harrison @j turner Well, I won't call you a liar but Jim Davidson has never spent years on remand 'in jail.'

Flag

RecommendReply

Barry Faith Dec 16, 2017

@Graeme Harrison @Barry Faith @C J Delmege @j turner My comment related to the Paul Gambaccini post, about years on police bail.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

My apologies: I thought you were commenting on a thread that falsely asserted that people are spending years on remand 'in jail' whereas you were apparently responding to an entirely different thread about people being remanded on bail.

Flag

RecommendReply

Gramarian Dec 16, 2017

The severe concern is that the cases that have collapsed often seem to depend on the alleged victim being caught out by inadvertently discrediting themselves.

Saunders seems to be changing a presumption of innocence into a presumption of guilt when the totally normal case of both parties being in alcohol is involved.

For sure it is tragic if the alleged victim does not get justice, but it is far worse for an innocent person to have their lives totally destroyed.

Flag

6RecommendReply

Colin Grant Dec 16, 2017

So difficult in 'one word against another' cases and the hysteria created by the tabloids adds to the climate of distrust against the man. I don't know how many accusations there are on a day to day basis but I suspect too many to expect proper investigation in each case.

Flag

3RecommendReply

Edward Farrow Dec 16, 2017

@Colin Grant Perhaps the police should make a distinction between the back of the bike shed and the bed. If a woman cries rape from the bed surely it's quite a different matter than from the other. That said, I think that a wife can say she has been raped by her husband even in bed. I don't see how the police or the courts can make what might be said to be: 'the correct decision' in the majority of these cases. Meanwhile, the justice system breaks down because of the weight of pressure brought upon it by accusations both true and false.

Eddie Farrow

Flag

2RecommendReply

kibes Dec 16, 2017

The young man's life was wrecked for two years. At the very least, the person who made the false allegations should be named and charged, this in itself was a serious criminal offence carrying a long jail sentence. He should also sue the police for damages as Sir Cliff Richard has.

Flag

11RecommendReply

constant gardener Dec 16, 2017

I am intrigued (non disclosure of text messages aside) as to what was the deciding factor for the CPS to authorise proceedings for rape in this case in the first place ? . with only two parties involved , i.e. one word against another , what was it thst tipped the balance in favour of the accuser ? If there was very little beyond simply 'believing the victim' , then the CPS are culpable on two fronts, not asking for the records and authorising the case to proceed in the first place.

Flag

19RecommendReply

kibes Dec 16, 2017

@constant gardener - The alarming thing is that accusations are now accepted without evidence. It just needs more than one person to make a similar allegation and Courts will accept it. Its how the Inquisition operated.

Flag

7RecommendReply

Graeme Harrison Dec 16, 2017

@kibes @constant gardener "It just needs more than one person to make a similar allegation and Courts will accept it."

What does that even mean and can you give some real life examples?

Flag

1RecommendReply

Ricky Freeman Dec 16, 2017

The blame lies squarely on Alison Saunders shoulders. It was her who introduced a culture of always believing the accuser and is pushing hard to increase the conviction rate for rape. It seems the police are doing as they are told!

Flag

12RecommendReply

Jenesaisquoi Dec 16, 2017

It's such a difficult area isn't it? And the genuine rape cases suffer as a result. It's a lose- lose situation I fear. Women will go back to not being believed in genuine cases because of all these false and malicious claims made by other women, and men face situations of false claims.

Perhaps people need to be in committed relationships for longer so they both know each other better before jumping into full on sex. All this swiping right on Tinder scenario doesn't do anyone any good by the looks of it.

Flag

3RecommendReply

Mr Adrian Fisher Dec 16, 2017

Perhaps there should be a police staff whip round collection for the young man, so that every police officer within that force leaves the public in no doubt that this Culture no longer has any place in their police force.

It will also be a salutary reminder in future to each officer not to let their colleagues down, by causing them to have to chip in to any future Whip Rounds.

Flag

1RecommendReply

Val Hunnisett Dec 16, 2017

Apart from all the justice aspects of this.... When will we understand that doing things wrong (and doing wrong things) costs MUCH more than doing them right. There will be all sorts of costly consequences of this. - And most of them will be paid for by poor B***** us! When the public pays tax part of the implicit agreement is that the money will be well spent. JOBSWORTHS

Flag

2RecommendReply

nobby Dec 16, 2017

I have seen a recent case go all the way to crown court and halfway through the crown court process and a lot of taxpayers money being spent , a video was disclosed which blew the prosecutions case out of the water but the existence of this footage was known at the time off initial arrests but the police took all that time to disclose the mobile phone footage, there must be quite a few miscarriages of justice going by this incident

Flag

5RecommendReply

David Williams Dec 16, 2017

If someone has the potential to make a false allegation that can send a person to prison for 20 years destroying his and his family's life's forever (and that's what it amounts to) Then surely it's a crime that ranks alongside murder.

Flag

15RecommendReply

Saint John Dec 16, 2017

@David Williams

Its far worse than murder

Flag

3RecommendReply

Alan Harris Dec 16, 2017

The BBC are introducing the guilty until proved innocent concept (e.g. Aled Jones' suspension and the Sportsperson of the year list) and they are not even a judicial body. Government are also promoting the pre-eminence of accusation against proof in the cases of politicians where the offences are almost imperceptible and the evidence if it exists is long past.

It seems that we are picking up habits which originate in the states. The UK judiciary or parliament must take some action to return us to the presumption of innocence until proven guilty if we are to avoid massive injustices..

Flag

20RecommendReply

Ade Davidson Dec 16, 2017

Simply shocking! Looking egregiously more like american style of policing!
Indefensible. The rot needs drastically addressing - quite urgently!

Flag

5RecommendReply

John Hooton Dec 16, 2017

The time for secrecy is over. Justice is never done behind closed doors, justice delayed is justice denied, platitudes, I know but difficult to argue with. If you want to accuse some one you must be prepared to stand up and say it.

Not a completely separate issue as the Judge did say he left court without a stain but I do wonder how difficult this young man will find it to have this incident removed, obliterated from his police record?

Flag

10RecommendReply

Edward Farrow Dec 16, 2017

@John Hooton If you were to type his name onto the internet no doubt you get the headlines of the accusation rather than the notice of the acquittal. Even if the latter does appear, the Headlines will be remembered in years to come rather than the details o the 'outcome'.

Eddie Farrow

Flag

1RecommendReply

Martin M Dec 16, 2017

"A report in July by HM Crown Prosecution Service Inspectorate found that police and CPS staff blamed 'limited resources and lack of time' for the poor disclosure of evidence."

How about: couldn't care less, I'm a public sector worker whose work-life balance comes first and anyway they won't sack me however pxxx-poor my work is?

Flag

18RecommendReply

Cetus Dec 16, 2017

In how many of these non disclosure cases were women the accused?

Flag

3RecommendReply

Sam Day Dec 16, 2017

A Crown Prosecution Service with a skewed agenda can no longer be tolerated. Time Alison Saunders was given her golden parachute and gilded pension.

Flag

20RecommendReply

R Ward Dec 16, 2017

And just to add there was I thinking as an ex servicemen that it was only in the military that one was assumed guilty until proven to be innocent. Seems the notion of guilty until proven otherwise prevails outside the military as well.

Flag

4RecommendReply

Madrid Dec 16, 2017

The police has too many thickos in its ranks. Too many who stand around doing sod all at crime scenes. Too many who just enjoy dressing up as some futuristic robot wars paramilitaries. I had a cousin who was in the police - he makes the proverbial plank look like Einstein.

Flag

8RecommendReply

Grumpy Pensioner Dec 16, 2017

@Madrid I bet you intensely dislike Asian Doctors, Freemasons, Church leaders and Landed Gentry.... to name but a few.

Flag

1RecommendReply

Saint John Dec 16, 2017

@Madrid Actually being a policeman is complex difficult highly trained and requires considerable intelligence these days .

Flag

2RecommendReply

Mrs Amanda Moody Dec 16, 2017

In all cases the person being accused should have their names withheld from the public domain. If they are named then the accuser should also be named. We are all innocent until PROVED guilty that is our law, but once the accused is named in public his/her name is tainted. Even now the woman who has allegedly been raped, should now be prosecuted and, i believe made to pay for the costs of this case, is still not being named. This case has made it very clear that police are just chasing figures for successful prosecutions. These sort of cases are easy and cheap ways to get their figures up. Dreadful!

Flag

21RecommendReply

Madrid Dec 16, 2017

@Mrs Amanda Moody I believe that is the case in France with regards to naming the accused in such cases.

Flag

1RecommendReply

Mr Bingo Dec 16, 2017

I hope Mr Allan is going to be well compensated for the loss of two years of his life. This accusation would have dominated every moment of his life for that period, plus it will affect his future relationships by undermining his trust in others. Unfortunately this isn't the end of the problem for him.

Flag

31RecommendReply

Chris Oakley Dec 16, 2017

This is not surprising when senior people in the legal system have appeared to believe it more important to encourage victims to come forward than to give suspects a fair trial.

We have thankfully moved on from rapists getting off because "she asked for it wearing that!" or similar but the balance seems to have swung to far the other way and we are at a point where ideology is undermining the fundamental principles of our law.

The Ched Evans case demonstrated that a woman's sexual history can in some cases be extremely pertinent to the defence, but a man served a prison sentence before a jury was allowed to hear about it and even after that jury delivered a not guilty verdict in record time, activists complained. Accusers are guaranteed anonymity for life but the accused, innocent or guilty are publicly shamed. In my opinion, this is wrong.

I believe that people such as Vera Baird and Harriet Harman are responsible for promoting ideology above the law and however well intentioned they may have been, the environment they have helped to create is not conducive to natural justice being done.

Flag

25RecommendReply

R Ward Dec 16, 2017

Like it or not the time has come for those accused of rape and other sexual criminal acts to be afforded anonymity until proven guilty. Although in this case I suspect no long term career damage will have been done to this young man the same cannot be said of others who have been found not

guilty of alleged sexual offences. This is simply because whether true or not we as humans subconsciously remember what such people are alleged to have done when interviewing them. After all as they say there is no smoke without fire and thus there is a lingering doubt and that doubt like it or nor can have serious 'life changing' impacts on individuals and their families.

The case against withholding names revolves around the argument that other victims will not come forward. Whilst there may be a lot of merit to such a position surely natural justice outweighs such concerns especially in the age of digitised communications where alleged offences are publicised far and wide. In a lot of cases, this one being an exception, the alleged offender when found not guilty does not enjoy such mass publicity and thus goes forward with his/her reputation tainted.

Naming after being found guilty does not prevent other alleged victims coming forward. Justice is not denied but rather I would suggest it is strengthened by such an approach as more people will have faith in it.

Flag

7RecommendReply

London Resident Dec 16, 2017

@R Ward As I have written frequently The logical solution is presumed anonymity unless the CPS and police have good reason (and can evidence to the satisfaction of a judge) for anonymity to be waived e.g. that the accused might be a repeated offender, there may be other victims or there is a particular witness that might be crucial to the case.

In many of these cases it is his word against her's and no good reason for the accused to be publicly named other than the vague hope that by such trawling other victims may emerge. It also serves to satisfy the mob mentality of the feminist movement that another man has been sacrificed on the altar of their bigotry.

Flag

2RecommendReply

LondonKen Dec 16, 2017

Three things should happen as a result of this case:

1. The Detective who withheld these details should be sacked.
2. The "victim" (police's term) should be named and prosecuted fully.
3. Alison Saunders should issue a personal apology to this young man for the failings of the CPS (which are partly due to her direction to increase rape convictions, seemingly by any means necessary).

Flag

20RecommendReply

London Resident Dec 16, 2017

@LondonKen 3. Alison Saunders should resign. It is her flagship policy and culture of increasing rape convictions which is the backdrop to this incident.

Flag

6RecommendReply

Nigel Benson Dec 16, 2017

Am I the only person who thinks there is an analogy with the disgusting Rotherham disgrace. That the PC brigade make assumptions about situations involving accusations of sexual or racial inappropriate behaviour and zealous that they think they have a right castigate.

Clearly Rotherham was the reverse because they would bring accusations. But I think the principal applies.

In this case, and others of alleged rape, the PC women's brigade are fairly to blame. Leaping about on behalf of woman, playing the "men are all b*****ds card" and getting away with it.

I've often wondered how the women's brigade would react if their father or brother was accused and then cleared

Flag

6RecommendReply

London Resident Dec 16, 2017

Alison Saunders must resign. It is as simple as that. It is her flagship policy to increase the number of rape convictions and we have seen trials collapsing on an almost weekly basis and potential miscarriages of justice through cases that should never have been brought to court.

It is a waste of public resources and risks injustices. How many people are potentially serving sentences where crucial evidence has been omitted or disregarded?

The tone is set from the top and Saunders must resign or be sacked.

Flag

13RecommendReply

Robin Paine Dec 16, 2017

Are heads going to roll in the police force and CPS? Is the law going to be changed so that the false accuser can be publicly identified and prosecuted, and, if found guilty, would serve the same number of years in prison as the man she wrongly accused?

You can bet your life that is not going to happen, but it needs to.

Flag

5RecommendReply

Andrew Daws Dec 16, 2017

Alison Saunders has been trying all along to increase rape convictions and that pressure must be felt throughout the system. One wonders what is driving her obsession.

Flag

12RecommendReply

Newminster Dec 16, 2017

Andrew Daws —

Feminism?

I understand the concern over the years that the experience itself is terrifying, that the subsequent investigation is unpleasant and that the trial can be a trial for the victim as well.

But that doesn't excuse allowing the pendulum to swing the other way and the idea that "all men are rapists" (which has been said by some of the so-called 'feminazis') places too much of the burden of proof in an impossible place. I say it was consensual; you say it wasn't. How to decide?

As a (female) relative of mine said on the subject many years ago, "you cannot go out for an evening, get p1ssed, climb into someone's bed and cry 'rape' next morning because you've had second thoughts. Learn and move on."

She also added that being drunk was no excuse. If you say yes then the man is entitled to believe you, unless of course he got you drunk deliberately. But again, how to decide?

It's a minefield but the doesn't explain the assumption that a low conviction rate is something that needs to be addressed rather than that juries aren't stupid and that the evidence to damn a man's behaviour for life just isn't there.

And omitting evidence that undermines the prosecution case isn't the way to fix the "problem" either.

Flag

4RecommendReply

London Resident Dec 16, 2017

@Newminster The drunken thing is totally imbalanced. Obviously the strict definition of rape involves penetration and there have been countless trials about whether a woman was too drunk to give consent prior to penetration by a man thus giving rise to a situation of rape.

However, sexual activity doesn't necessarily involve penetration and sexual assault is a very serious crime (although increasingly trivialised in the current climate). How many hundreds of thousands of men have been too drunk to properly give consent and yet been involved in some kind of sexual activity with a more sober woman?

How many cases of sexual abuse have been brought against women for sexually abusing men through their being too drunk to consent?

Flag

RecommendReply

Andrew Daws Dec 16, 2017

Of course it's a swinging pendulum, as with trade union power, and capitalism vs socialism.

One side point though: "If you say yes then the man is entitled to believe you"

Don't forget the whole role playing side. In s/m sex you always have a safe word to signify that you want to stop, as the masochist wants to be able to shout stop without the sadist stopping. Many fantasies by both women and gay men involve being overpowered, hence the huge popularity of uniform fantasies. So in an area such as sex, nothing is quite as straightforward as it seems.

Having said that, I don't envy our judges and juries having to decide whether the sex was consensual, and whether the accusation of rape was actually remorse, or whether the whole incident was an attempt to punish one man or men in general.

Flag

RecommendReply

peter nightingale Dec 16, 2017

It appears as though the phone text details were not released to the Defence because they provided details of the sexual preferences etc of the 'victim', which is not generally admissible in such cases. It was only the diligence of the new prosecutor, not the defence team, who brought this to light.

This mirrors aspects of the Ched Evans case, where the woman involved did not allege rape, the details that existed in the original trial were entirely dependent on the evidence of Mr Evans himself. After he had served this sentence the retrial was only authorised after the exceptional similarity of the 'new' evidence, from further witnesses, to that provided by him years before.

Putting case files together is exceedingly laborious and unglamorous, compared to the actual investigation, which is a far more likely reason for these failures than money or resources.

Flag

3RecommendReply

Graeme Harrison Dec 16, 2017

@peter nightingale Try reading the story again. The defence repeatedly asked for disclosure of the mobile phone records and were told they were not liable to disclosure because they contained no new information. The defence again asked for disclosure of the mobile phone records at trial and, the prosecutor having done his job, they got them. Quite how that amounts to 'the diligence of the new prosecutor' I'm not sure.

What I do know is that Jerry Hayes loves being in the limelight whereas defence counsel does not. Similarly, I'm sure Mr Hayes was equally keen to ensure that he didn't get caught in the blow back when he realised what had been going on.

Flag

RecommendReply

David Jones Dec 16, 2017

If a person works for the state and is paid from the public purse then surely they should be held accountable to the public for any failings in their service to the country for which they are employed. Part of that accountability should be names and pictures of the officers and CPS employees involved in every stage of this terrible failure.

Flag

12RecommendReply

Mark Slater Dec 16, 2017

Jerry Hayes deserves a knighthood and to be immediately appointed Head of the Crown Prosecution Service.

I'd also conduct a review of every rape conviction since Allison Saunders became head of the CPS.

Flag

28RecommendReply

Graeme Harrison Dec 16, 2017

@Mark Slater Thanks, Jerry, but I'm sure we can find someone more suited to the job than you.

Flag

RecommendReply

Chris Rodda Dec 16, 2017

What puzzles me a little is that the texts were lost from the woman's phone, but surely the receiver had phone record of receiving them that his defence team would have easy access to.

Flag

8RecommendReply

Millie Dec 16, 2017

@Chris Rodda

I've been wondering about that too...

Flag

1RecommendReply

Newminster Dec 16, 2017

Chris Rodda —

Much of the phone evidence (see the items quoted above) were messages between the complainant and third parties.

I don't know when Allan was charged but there was a suggestion that he had changed phones — maybe to get away from her pestering though that is only speculation — and the messages weren't available.

Though, according to yesterday's report, he was claiming that she kept "begging" after he went to University which was part of his defence.

Flag

2RecommendReply

Joannah Yacoub Dec 16, 2017

@Chris Rodda In reading the article, I had the impression that most of the text were sent to other people and were found on her phone. This is one of the few cases where the obsessive braying about one's sex life has actually resulted in an innocent young man being acquitted. How can anyone send 40000 what's ap messages beats me. She must have spent her entire life messaging...and that tells you something.

Certainly, she should be prosecuted for making false claims, perjury and wasting police time. I'd toss in harassment for good measure as well and she should be named.

Flag

5RecommendReply

Saint John Dec 16, 2017

@Chris Rodda

They were texts to her friends not him

Flag

2RecommendReply

Angela Barratt Dec 16, 2017

@Chris Rodda

They weren't all sent to him but to her friends.

Flag

RecommendReply

Richard Shaw Dec 16, 2017

In the same way that we somehow believe the NHS to be the 'envy of the world', so too do we believe this of our justice system. After all we believe we invented both. If this story had emerged from some tinpot third world country we would have congratulated ourselves that it could never happen here. We now know better. This is a disgrace, and how many innocent people are locked up because of similar incompetence and laziness? I hope this story runs and runs, that heads roll, that names are named, that incompetence is revealed at every level from Alison Saunders down to PC name supplied.

Flag

24RecommendReply

Richard Griffiths Dec 16, 2017

Is the case not that lawyers vary from competent to awful. Either the original defense team were awful or the police in cahoots with the defence were venal.

As a juror I've seen incompetent defense barristers. And I remember the poor mother jailed for infanticide on statistical evidence that a person with A-level maths would see was nonsense.

And to continue the rogues gallery; why the devil didn't the judge demand the hidden evidence.? And not bring the culprits before him (or her) to explain.

Flag

11RecommendReply

Newminster Dec 16, 2017

Richard Griffiths —

Haven't you got this back to front?

It was a new **prosecutor** who, at the request of the defence, insisted on the phone records being handed over.

If the police had been in cahoots with the defence this situation would never have arisen.

I pray you are never called for jury service, sir. ;—)

Flag

4RecommendReply

Graeme Harrison Dec 16, 2017

@Richard Griffiths If the evidence was hidden, how could the judge know it existed in order to demand its production?

Flag

RecommendReply

dizzle Dec 16, 2017

Surely there is a perjury case here ? The false accuser should be named and imprisoned

Flag

41RecommendReply

Reginald Tripp Dec 16, 2017

@dizzle I agree that the woman should be named and put on trial and then if found guilty imprisoned - possibly for the same length of time that her victim might have faced. However as far as I know she has not committed perjury because you can only commit perjury once the trial has begun and you have sworn to tell the truth...etc etc.in front of a judge and jury.

Flag

RecommendReply

Angela Barratt Dec 16, 2017

@dizzle

You can only commit perjury if you lie on oath in court. As this case was never tried the accuser could only be charged with conspiring to pervert the course of justice or, more likely, wasting police time.

Flag

RecommendReply

Reginald Tripp Dec 16, 2017

I hope that the name of the woman who made this false accusation will now be revealed and also that she will be prosecuted for both wasting police time and for trying to destroy someone's good name.

Flag

26RecommendReply

jon brown Dec 16, 2017

The police and their supporters are conspicuous by their silence in these comments?

Flag

13RecommendReply

Prabhat Dec 16, 2017

@jon brown Wrong. I support police but I vocally oppose politicisation of our police force.

Flag

9RecommendReply

Tacitus Dec 16, 2017

Until this woman is named no justice has been done. What a vile individual to take such spite to potentially send somebody to prison for years. She should be pursued by the police and tried, until a message is sent to those who falsely accuse.

Justice has not been seen to be done and it is time we as taxpayers demanded more from this shambolic system.

Who had that tape and why was it not looked at - we do not want the platitudes of reviewing procedures, we want the police to put it right together with the CPS.

Flag

29RecommendReply

John Lynch Dec 16, 2017

@Tacitus The police are still describing her as a victim. The real victim (the accused) will get no help there.

Flag

17RecommendReply

Stephen J. Ainsworth Dec 16, 2017

Appalling. Guilty until proven innocent. I can see many advantages to sex robots.

Flag

7RecommendReply

8031 Dec 16, 2017

Another rape case collapses, and how many men have been unfairly convicted? Is the current CPS fit for purpose?

Flag

20RecommendReply

Dorothy Hall Dec 16, 2017

Sad that, whilst the young man's name was public from the start, the name of the woman who falsely accused him remains hidden and legally protected.

Flag

44RecommendReply

Artizan Dec 16, 2017

@Dorothy Hall Not just sad but wrong, too, in my opinion.

Flag

15RecommendReply

Martin Gillate Dec 16, 2017

One wonders whether, knowing that she had anonymity in this case, it encouraged the accuser to hide behind it and to be so malicious.

Flag

8RecommendReply

Michael Jones Dec 16, 2017

Is there any reason he could not do so himself if she is not facing court proceedings I wonder?

Flag

RecommendReply

Peter Bill Dec 16, 2017

The scales of justice were once tipped in favour of those accused of sex crimes by accusers, who were seen to be "asking for it." Today the scales are tipped in favour of the accusers, who are automatically believed. The Liam Allan case will help bring a more balanced approach. But what would do most to balance justice would be banning the publication of the names of both accused and accuser until a verdict is reached.

Flag

17RecommendReply

Martin Bryars Dec 16, 2017

The point seems to me that the case should never have even got as far as the CPS. The police clearly knew, or should have known, that there was substantial evidence from the phone records that Mr Allan was innocent and the allegations were simply untrue. A great deal of public money would have been saved.

Flag

14RecommendReply

John Kirby Dec 16, 2017

@Martin Bryars I think the Police thought they could get away with it by non disclosure of evidence. One more tick in the conviction box. Good for careers, bad for defendants, but who cares about them? Certainly not the Police

Flag

21RecommendReply

David J Shipley Dec 16, 2017

There have been suggestions that the root cause of these issues is lack of police resource and funding. This is a complete red herring.

The key fact in this case is that the evidence existed and should have been disclosed to the defence team. Whether that evidence had been reviewed by the police (the fact that they claimed that there was nothing of interest, suggests that they purported to have reviewed it) is neither here nor there.

Actually, as a matter of principle, if raw evidence were to be shared between the parties, there is a potential to save taxpayers' money, as two pairs of eyes are better than one and this is likely to shorten the process, thus reducing the cost.

Flag

22RecommendReply

Culpepper Dec 16, 2017

@David J Shipley

It is baffling, and shocking, that excuses such as 'lack of resources or budget' can be used in the first place. Surely there must be a legal obligation to produce all evidence to all parties, without the poorer defendant needing to hire a barrister with muscle to force the issue. If it hadn't been for the prosecution barrister, he would have had a ruined life.

In another report, elsewhere, Liam Allan said that he had told the Police about the phone messages *right at the very start* but they ignored him and proceeded to charge him. This is altogether a very troubling case.

Flag

17RecommendReply

Alien Looking Down Dec 16, 2017

I commented yesterday on this case in a similar way to the majority, and concur totally. But one further thought: the total cost of this case will rise because the young man will, one way or another, get compensation for wrongful arrest, stress, and I hope, libel. Those guilty of causing and allowing this travesty to occur should collectively pay this cost: so that includes the 'girl', the police officers, and you Saunders; actually, Saunders should resign, she already has form.

Flag

13RecommendReply

Graeme Harrison Dec 16, 2017

Who has made an actionable defamatory comment about him?

Flag

RecommendReply

Alien Looking Down Dec 16, 2017

The girl accused him of being a rapist when he is not, in my book that is deformation because her false accusation had the potential to damage his reputation; but actionable, probably not because unless the case was heard in a closed court everyone will know who she is.

Flag

5RecommendReply

Newminster Dec 16, 2017

Graeme Harrison, ALD —

I would have said that a false accusation of rape would amount to slander under English law, wouldn't you? At least it would be worth consulting a lawyer expert in these matters for his opinion. Technically newspapers could be sued for libel but would claim qualified privilege as they were simply reporting a court case but I don't see that the complainant has a defence.

Flag

RecommendReply

Graeme Harrison Dec 16, 2017

@Newminster Apologies but I thought *Westcott v. Westcott* [2008] EWCA Civ 818 made it clear that statements made in the course of criminal and other proceedings were covered by absolute privilege and therefore that no action for defamation could lie. Have I misunderstood the situation?

Flag

RecommendReply

Angela Barratt Dec 16, 2017

@Graeme Harrison

Er, his accuser?

Flag

RecommendReply

Scott Donovan Dec 16, 2017

The rape case reeks of gross incompetence on the part of the police and the crown prosecution service. There is no excuse for the officer in charge of the case failing to personally review or getting another office to review the downloaded text messages. The pathetic excuse of limited resources and

lack of time does not wash and can be clearly rejected. The officer in question should be disciplined for gross incompetence.

However given the importance of the text messages, which the Defendant clearly would have known about, it is staggering that the Defence team of solicitors and counsel didn't attempt to get these from the mobile phone company quite apart from the CPS in the 2 year period prior to trial. This failure, if there was a failure, would be relevant to any costs issues to be decided by the judge.

Flag

5RecommendReply
Brian R Dec 16, 2017

If some of these messages were sent to the accused as well as to her friends then surely they would have been on his phone as well for him to show the police and his defence team?

Flag

2RecommendReply
Scott Donovan Dec 16, 2017

Exactly. This rather points to some failures by his legal team of solicitor and counsel. Counsel was interviewed on Channel 4 news but didn't give the information as to what and when the Defendant told his legal team about any of this. Lots of questions to be answered.

Flag

RecommendReply
Gerry Mander Dec 16, 2017
Cancel

Flag

RecommendReply
Chris Huckle Dec 16, 2017

I propose that henceforth anyone using the mealy mouthed phrase "lessons will be learned" is immediately punched in the face on the grounds of justifiable assault and to see if they learn any further lessons about the pain and suffering endured by someone falsely accused.

Flag

43RecommendReply
David Page Dec 16, 2017

Any rape trial about to start will have the spectre of this fiasco hanging over it and the jury may entertain doubt based on speculation that there could be undisclosed evidence that could exonerate the defendant.

Flag

6RecommendReply
James Dec 16, 2017

I understood naively that our wonderful trial by jury system could be relied upon to protect those wrongly accused.....or could jurors sometimes be "unconsciously biased" and thereby compound the injustice?

Flag

2RecommendReply
Dogmando Dec 16, 2017

@James like you I always thought jurors were possibly the 'weakest link' in our judicial system which I considered a model for the whole world of fairness and justice. How shocking to find nothing could be further from the truth.

Yet more evidence, as if it were needed, of the sad decline of our once wonderful country into insignificance and indifference on the world stage.

Flag

6RecommendReply
Richard Pursehouse Dec 16, 2017

I look forward to the court case of the 'alleged victim' under defamation of character and wasting police time. Oh and the resignation of the Chief Constable for allowing a policy of deliberately withholding evidence.

Flag

18RecommendReply

James Dec 16, 2017

@Richard Pursehouse Regarding your first suggestion, no doubt this unfortunate young man will be receiving sinister advice from the "authorities" that it "would not be in his best interests" to sue.

Flag

7RecommendReply

Chris Huckle Dec 16, 2017

It's more sinister than that - he is unable to sue ,even for his defence costs.

Flag

RecommendReply

Tacitus Dec 16, 2017

@Chris Huckle Why?

Flag

3RecommendReply

Graeme Harrison Dec 16, 2017

Because he was in receipt of legal aid?

Flag

RecommendReply

Chris Huckle Dec 16, 2017

Changes made in 2011 to ministry of justice rules removed the right of defendants to reclaim their legal costs if found not guilty.

Flag

1RecommendReply

John Kirby Dec 16, 2017

@James @Richard Pursehouse Especially as he intends to work in the criminal justice system... What irony there is there.

Flag

1RecommendReply

Dr Half-track Dec 16, 2017

With a head of the CPS publicly declaring her aim 'to change society', we find ourselves in a local variant of the 1930s Soviet justice system, with British characteristics.

Flag

11RecommendReply

London Resident Dec 16, 2017

@Dr Half-track This. Setting targets for convictions of a particular crime (in this case the target is "more") is positively Soviet.

Flag

1RecommendReply

Barry Faith Dec 16, 2017

There is a rotten culture at the heart of the Establishment in that Public Authorities (PA) are believed as the default by other public organisations such as the Crown Prosecution Service, the Information Commissioner and Tribunals. This aspect is then used by senior managers (such as those in the NHS) to cover and smother their errors and omissions. They abuse their ability to use public funds to get legal advice in a way that criminals will use it to avoid justice. A classic example is here: 'Sacked Stafford Hospital lawyer awarded £100,000 payout': <http://www.bbc.co.uk/news/uk-england-stoke-staffordshire-16814246>.

Flag

3RecommendReply

BigBlue1894 Dec 16, 2017

My builder was jailed for rape. I was a witness at the trial. His mistake was his faith in British justice. He thought that the police would seek out the truth. What they actually did was to seek to tick a box on their rape prosecution KPIs. Just like in this case, they ignored evidence that would have proved his innocence and refused to ascertain if the evidence against him was truthful despite firm documentary evidence that proved his accuser lied to them and subsequently lied in court. He was stupid in not collecting his own evidence such as CCTV footage from the bar where he met her because he thought the police would do that. It wasn't an entirely crazy assumption that the police would want to use this to ascertain if the times given on the witness statements tallied with the CCTV but it proved to be crazy in the end.

His legal team were hopeless but I guess that this is what you get on legal aid. They were that bad that my wife (who unlike myself, was able to sit thru the whole trial because she wasn't a witness) thought that they must have believed their client was guilty and deliberately mucked up his defence.

A combination of his nativity, the uselessness of his legal team and the desire of the police to construct a case against him rather than establishing what actually went on sent him down for 8 years.

At the time, we thought that this was a one-off but since then we have read of so many similar cases that we're convinced it is actually Police policy designed to help them reach their targets.

If anyone asked me how to deal with the police in the future should they be accused of any offence I would advise them to say absolutely nothing and let the police try and build their case on their own. Some lawyers would advise that the court assumes guilt when an accused responds with "no comment" but this isn't good advice. Firstly, this approach may prevent a court case happening anyway due to lack of evidence. Secondly, the accused can always answer such questions properly in court and thirdly this approach is exactly what hardened criminals use and they know the system much better than naive middle class idiots like us.

Flag

55RecommendReply
Gary Byrne Dec 16, 2017
@BigBlue1894 Well put.

Flag

11RecommendReply
Tacitus Dec 16, 2017
@BigBlue1894 Staggering. The same would probably have happened to Mr Allen except his lawyer did her job and insisted on seeing the disc containing so much evidence. It is obscene.

Flag

7RecommendReply
Scott Donovan Dec 16, 2017
Yes but why did they wait so late to make the request when the Defendant, who had been on bail for 2 years, he must have known of the mass of texted messages effectively proving his innocence.

Flag

1RecommendReply
Heather Dec 16, 2017
@Scott Donovan

The texted messages were sent to other third parties, not to the defendant.

Flag

2RecommendReply
walter mears Dec 16, 2017

@Tacitus @BigBlue1894 Did I not read that the lawyer who obtained the evidence was a replacement? Who was the lawyer for the defence prior to her, and should they be named and shamed for failure to do their duty?

Flag

6RecommendReply
Heather Dec 16, 2017
@Tacitus @BigBlue1894

It wasn't the defence that insisted on disclosing the text messages; it was the prosecution barrister. The police insisted there was nothing in them of any interest.

Flag

RecommendReply
Mark Mortimer Dec 16, 2017

This is what happens when targets, political correctness, and social engineering take over from common sense policing. This is what happens when pressure groups with warped agendas are listened to far too often and their mantra becomes fact. This is what happens when politicians jump on bandwagons and witch hunts and support completely unsubstantiated statements (along the lines of only 10% of rapes are actually reported, too few rapists are prosecuted, or the level of rape convictions must increase). This is what happens in a society where women are listened to as though they never utter a false word and men are deemed rapists, paedophiles, or sexual abusers in an instance on the historical or drunken words of one woman.

So police officers don't care about the lives they obviously destroy, they just care about been seen to be in with the latest trend of who to arrest; keep well away from anything difficult involving mass rape in Islamic communities; consequently they diminish the real crimes and diminish themselves. The 'remember a kiss under the mistletoe without consent could be rape' tweet from a police force just about sums up the whole pathetic state of affairs.

Flag

99RecommendReply
Richard Stout Dec 17, 2017
@Mark Mortimer

Absolutely correct Mark. This isn't a simple "swing of the pendulum" or "over-correction" it is a massive and deliberate piece of soviet style social engineering, complete with invented statistics and political commissars.

Flag

RecommendReply
James Broadhurst Dec 16, 2017

What sort of Walter Mitty world do these young women inhabit who create 40,000 texts/emails?

Flag

12RecommendReply
Clive Hamilton Dec 16, 2017

I've been saying this for quite some time actually. The police falsified and altered my witness statement, lied to the judge and intimidated witnesses, stalked my neighbours and intimidated my local pub

Flag

5RecommendReply
SixG Dec 16, 2017

Depressing. I have no idea how we solve this. Over many years - decades - our criminal justice system has been steadily corrupted by politically driven initiatives and PC concepts. British justice is not wonderful, it's a perverted mess.

Perhaps our criminal code needs a complete overhaul - as Napoleon did for the French in 1804.

Flag

41RecommendReply

David Shipley Dec 16, 2017

That would be the absolute worst thing we could do. There is nothing wrong with our criminal code; the problem is with the guidance from Ms. Saunders and senior police and politicians to “believe the victim” which has overturned the presumption of innocence that is at the heart of our legal system, but not that of many other countries.

Flag

2RecommendReply

SixG Dec 16, 2017

@David Shipley I'm not so sure DS, but I admit I don't know. What is beyond doubt is that our current judicial system isn't working properly or fairly. Too many dubious judgements and too many miscarriages of justice.

I've long been critical of our adversarial system, not convinced that it is the best way to establish the truth.

Nor am I convinced that juries are a good idea any more. Long ago, being 'judged by your peers' may have been effective, but no longer are juries our peers and jury members are unavoidably exposed to journalism and social media distortions. Their views and opinions are often formed before they hear the evidence and their judgements are influenced, despite what a judge may say.

There must be a better way but I don't know what it is.

Flag

RecommendReply

Andrew Smith Dec 16, 2017

Has anyone considered it may have been missed by the police because of a shortage of officers and a basic lack of support from the government? Surely the accused should be entitled to anonymity until found guilty as well

Flag

5RecommendReply

John Lynch Dec 16, 2017

@Andrew Smith I don't believe they did miss it. They knew he was not guilty and they knew they had the evidence to prove it -- but Alison Saunders had told them she wanted more men in jail for rape and the police know an order when they hear one. An innocent young man's life would have been destroyed? You think the police care? You think Alison Saunders cares? Grow up.

Flag

26RecommendReply

Andrew Smith Dec 16, 2017

@john lynch God help me if I ever get as cynical as you

Flag

RecommendReply

Tacitus Dec 16, 2017

@Andrew Smith No I don't believe so - I think the police could not be a*s*d to do their job properly. There is too much politics in policing they have lost touch with reality. We all remember the police with the BBC swooping on Cliff Richard when he was out of the country and searching his home etc....no respect, no culpability and no lessons learned.

Flag

7RecommendReply

Thecaveartist Dec 16, 2017

Also please we must disband the Met. It was appallingly led by Hogan Howe and has become a publicity driven body incapable of reform.

Flag

20RecommendReply

Nicholas Reger Dec 16, 2017

@Thecaveartist That would be "Swiss" The Lord Baron Knight Bachelor QPM Hogan-Howe who spent some time in the august S. Yorks constabulary before progressing his CV onwards and upwards.

Flag

6RecommendReply

Scott Donovan Dec 16, 2017

And don't forget the pension fund worth nearly £6 million and his other rather consultancies. Too busy to speak in the Lords but still able to collect £300 a day when attending and of course expect people to call him "My Lord".

Flag

1RecommendReply

John Prince Dec 16, 2017

@Thecaveartist

.....but capable of ruining the lives of innocent people, failing to bring justice to victims and citing lack of time and resources as the cause. Of course, smearing dead people takes priority.

Flag

10RecommendReply

Thecaveartist Dec 16, 2017

It is British justice that has been raped. Why don't we know the name of the woman who falsely accused this man? Witch hunt political correctness by a hysterical media led society means that it is now considered just for some innocent people to go prison rather than the guilty to go free.

Flag

68RecommendReply

Gary Byrne Dec 16, 2017

I said yesterday this was the tip of the iceberg.

Flag

5RecommendReply

VINCENT NORRIS Dec 16, 2017

Letters to tThe Times today <https://www.thetimes.co.uk/article/criminal-justice-and-the-collapse-of-rape-trial> includes one from Alison Saunders of the CPS. She states

The Crown Prosecution Service and the Metropolitan Police will carry out a management review to examine the way in which this case was handled to see what lessons can be learnt

Usual boilerplate, beyond parody.

Flag

103RecommendReply

Fullpelt Dec 16, 2017

@VINCENT NORRIS When I was teaching, we didn't leave it to the pupils to decide if or how well lessons had been learned. They were subject to tests/exams set by external authorities from outside the internal world of the school.

Flag

2RecommendReply

London Resident Dec 16, 2017

@VINCENT NORRIS She should accept responsibility that a miscarriage of justice was pursued by her department (it was negligent at the very least) and that the tone from the top, set by her, is one of increasing convictions. That tone is the backdrop against this and other cases that have collapsed that should never have been brought.

She shouldn't be learning lessons, she should have cleared her desk and be contemplating her next career move. One would suggest a less demanding or politically charged role.

Flag

2RecommendReply

stella hollis Dec 16, 2017

Although this disastrous mishap is discussed in the context of failure of disclosure the fact is that once the police were in possession of this evidence the prosecution should have been stopped .

Flag

24RecommendReply

Jupes Dec 16, 2017

This is not "failure", it is deliberate, premeditated dishonesty. It has required many to be complicit in it.

Flag

104RecommendReply

John Prince Dec 16, 2017

@Jupes

Including, one suspects, the mis-managed CPS.

Flag

8RecommendReply

Franklin Ashworth Dec 16, 2017

Am I right in thinking that in instances like this the accuser has anonymity and the accused does not have the privilege ? If it is there is something seriously adrift

Flag

70RecommendReply

London Resident Dec 16, 2017

@Franklin Ashworth That's correct. One simple solution is that in such cases (given the stigma we, as a society, rightly attribute to sexual offenders) both the accused and complainant receive anonymity.

The CPS and police can present a case to a judge to waive anonymity in the case of the accused if they can demonstrate a reasonable case as to why e.g. the accused is suspected of multiple offences, there is reason to believe others know about his crimes etc. However such a reason must be well founded and evidenced based and not simply trawling.

Previously this was resisted on the grounds that the publicity might encourage other victims to come forward (an argument still fiercely made by feminist campaigners). I used to be of this view but having seen any number of trials collapse and the damage done to reputations, careers, mental health I can't support it.

It used to be that the worst of the damage would be some yellowing pages in a local library from a newspaper - even then people would often have to move and start their lives afresh somewhere else. Now, thanks to the internet, it is a click away forever.

Time for a change to prevent this ongoing injustice.

Flag

3RecommendReply

Clear Day Dec 16, 2017

The trouble with the Police, is that unlike the Armed Forces, they don't have a separate Officer class. They're all officers. Not in my book, they're not. If they did, a more intelligent, a more care and attention approach may just prevail!

Flag

13RecommendReply

LLE Dec 16, 2017

@Clear Day

Unfortunately you cant get the upper middle/upper class to join the police as there is no cachet in policing. Perhaps infantry officers could be posted in leadership roles on secondment? Cant be worse than the direct entry svheme for Police Inspectors and other ranks?

And before people whine, the Army works extremely having persons who have mostly gone to public school and redbrick universties, lead it, rather than ill educated oafs who know how to bully and intimidate to get the job done.

(Having served in the Army, and now work in criminal defence I know of what I speak)

Flag

9RecommendReply

Daily Trump-et Dec 16, 2017

@LLE @Clear Day

Most of the bullies I have known went to public schools.

Flag

RecommendReply

John Lynch Dec 16, 2017

@Daily Trump-et @LLE @Clear Day Then you've had a very sheltered life.

Flag

5RecommendReply

NombaNinshi Dec 16, 2017

Perhaps there is also a question to be asked why so many women seem to be deliberately and knowingly charging with rape innocent men.

Not only do they put innocent men through hell but they take vital resources and credibility away from genuine rape cases.

Are these women prosecuted? Are their names made public?

Flag

101RecommendReply

Heather Dec 16, 2017

@NombaNinshi

There is something up with them. Attention seekers? Compensation seekers?

Flag

7RecommendReply

Mimir Dec 16, 2017

Or succumbing to misguided and over-zealous elements of the genre of feminism with an all women good, all men bad mantra?

Flag

2RecommendReply

Heather Dec 16, 2017

@Mimir @David Shipley @NombaNinshi

True. But there's still something definitely 'up' (ie not quite right) with them.

Flag

RecommendReply

Mimir Dec 16, 2017

@Heather @Mimir @David Shipley @NombaNinshi The fact that they follow that mantra in the first plays amply demonstrates that they have to 'have something up' with them.

Flag

RecommendReply

David Shipley Dec 16, 2017

The answer is surely "because they have been encouraged by Ms Saunders to do so".

Flag

1RecommendReply

RamRod Dec 16, 2017

Lack of resources is not an excuse - if there are no resources to investigate and conduct a case correctly it should not be brought - that is where the lack of resources should impact - not on facilitating a miscarriage of justice....

Plus - if the evidence had been correctly evaluated when obtained the case would not have proceeded - saving much more police time - which would alleviate the lack of resources excuse for putting an innocent man through such a traumatic time.

Flag

64RecommendReply

'Ard Timez Dec 16, 2017

Unconscious bias? I thought Saunders and the CPS had quite deliberately been trying to get men sent down on flimsy charges.

Flag

89RecommendReply

Andrew Semple Dec 16, 2017

I'm surprised the defence lawyers hadn't made an application to the judge in order to enforce disclosure of the phone data before the trial even started.

Flag

12RecommendReply

Gerald Collins Dec 16, 2017

@Andrew Semple That's what immediately occurred to me. However the defence barrister appeared on TV yesterday and said that before the trial started, the police had denied that any download from the phone had been made, even though the defence had been asking about it for some time. I suspect there is an element here of both defence and CPS just accepting that denial, without pursuing it further, due to pressure of high caseloads brought about by lack of funding for more staff. We shall see.

Flag

11RecommendReply

Graeme Harrison Dec 16, 2017

I suspect that you don't know much about the story and even less about disclosure in criminal proceedings.

Flag

2RecommendReply

Piranha Dec 16, 2017

@Graeme Harrison This is a newspaper for the general population, so if you have information re disclosure why not impart it rather than just make a derisory comment?

Flag

RecommendReply

Lester May Dec 16, 2017

It is unfathomable that people should lie in court like this, given that in many cases they will, most likely and indeed should, be found out. Lawyers should be more circumspect when taking on such cases. It's as if money talks more than honesty, with lawyers as well as those making these accusations, and both bring our country into disrepute. A curse on the houses of those who waste our nation's time and money like this.

Flag

5RecommendReply

John Prince Dec 16, 2017

@Lester May

"money talks more than honesty, with lawyers" You actually doubted this?!

Flag

2RecommendReply

Raidon Dec 16, 2017

You would of thought some of her friends could of told her to do the decent thing and tell the Police that she was a liar.....or they could of done the right thing themselves..... getting all these text messages and what's apps,they clearly had the information....

They say you can judge someone by the company they keep, not a good lot here.....quite shameful!

Flag

47RecommendReply

Richard Pursehouse Dec 16, 2017

@Raidon If I were one of her friends I would denounce her

Flag

1RecommendReply

Shirley Sweeney Dec 16, 2017

Oh goodness -this country really is gone to the dogs as we say in Cornwall !

And what next --excuses will be put forward by the police that mistakes have been made (the same rhetoric blasted out to the point of allege lies)

I find this appalling that a young man`s reputation has been dragged through the mud!

And who is accountable for these incompetent decisions ! No one will loose there jobs, yet it is obvious this case has certainly been a miscarriage of justice !

Lets hope this young lady will be charged with perjury , named and shamed.

Flag

62RecommendReply

Waldorf Dec 16, 2017

@shirley Sweeney. "Young lady" !!!!

Flag

5RecommendReply

Prabhat Dec 16, 2017

This is a chilling revelation. I do hope that Chairperson of the Criminal Bar Association can work together with the CPS and the Bar Council to address this urgently.

They have got to understand and accept that we can't twist and be selective about evidence just to meet conviction targets. Much the same as rape, a wrong conviction or even an allegation also devastates a person's life.

Flag

15RecommendReply

john clayton Dec 16, 2017

The only effective remedy for this sort of miscarriage of justice is strong and enforced penalties for anyone proven to have made malicious accusations for vindictive reasons.

While no-one wants to deter genuine victims from coming forward, it is high time that consideration is given to the accused when claims turn out to be false.

The stigma surrounding sex crimes is such that just being charged can ruin your life, regardless of the verdict. So why is inflicting that on someone maliciously treated so leniently? The penalties should surely be similar to those for the crime concerned.

As for negligence or corruption in the police and prosecution service that is proven to affect the course of justice, the solution is equally clear; dismissal for inefficiency, and prosecution for criminal neglect.

Flag

8RecommendReply

Families Need Fathers Dec 16, 2017

A recent case in family law proceedings involved someone telling her ex partner, who had left her, that unless he returned to live with her he would never see their daughter again. Allegations were made when he would not give-in to her demands.

Such claims lead to huge costs in family courts, emotional abuse of needless exclusion of parents from their children children, the accuser receiving Legal Aid (but not the accused) and, worst of all, complete destruction of the child-parent relationship through failure of the family or criminal justice systems to carry out early or appropriate investigations or interventions.

Yet the police treat all accusers as 'victims' and accused as 'perpetrators'. Should they not treat both as alleged victims until it is proven who is the actual victim? Should not both have anonymity during this process? Should malicious allegations not be treated as hate crimes?

Do authorities have the wrong key performance indicators? Instead of focusing mostly on operational processing measures, should greater weight be paid to creating safer and healthier societies with less crime, fewer children needlessly losing a parent from their lives, etc?

Flag

42RecommendReply

Jack Jones Dec 16, 2017

Yes. And yet the police are still referring to the woman in THIS case as a 'victim' even AFTER these revelations!

-

"We are working closely with the Crown Prosecution Service and keeping in close contact with the victim whilst this process takes place."

-

As reported in the Guardian: <https://www.theguardian.com/uk-news/2017/dec/15/scotland-yard-carrying-out-urgent-assessment-after-trial-collapses>

Flag

56RecommendReply

Gerald Collins Dec 16, 2017

@Jack Jones I'm surprised at the use of "victim". The buzzword is now "survivor".

Flag

7RecommendReply

Mrs Ruth Bruce Dec 16, 2017

@Jack Jones

The victim was the accused. Are the police keeping in close touch with him? And for what perverted motive this time?

Flag

3RecommendReply

Blue is The Colour Dec 16, 2017

The legal system is much like our health and education systems, there's some nice shiny bits that we like to try and show off (all of which are actually rapidly shrinking and getting rather old), then this large, cancerous, ever expanding underbelly that anyone with any standards or morals wants to run a mile from. You take a look at it and think, "I'll try and sort some of that out", then you catch a

glimpse of how far it goes and just how rotten it all is and immediately shrink back from the stench lest you lose more than your appetite.

Flag

16RecommendReply

Frankenfurter Dec 16, 2017

The police are too busy harassing you tubers for fun stuff calling it hate crime. Check out count Dankula and his Nazi pug.

Flag

8RecommendReply

Richard Stout Dec 16, 2017

"...police and the CPS may be "unconsciously bias[ed]" towards people who report sex offences".

This is far from unconscious bias, it is a deliberate and systemic bias designed to please the "believe the victim" feminist brigade, who want every man charged with any kind of sexual assault to be assumed guilty instead of innocent until proven guilty.

For "gender based" crimes, allegations are the new proof, and accusations the new guilty.

Flag

146RecommendReply

Nicholas Reger Dec 16, 2017

@Richard Stout The findings of the long and expensive Macpherson report surely addressed and promulgated the clearing of any bias in the Police Service. Perhaps it should be reconvened to check on the political imposition of bias on policing.

Flag

2RecommendReply

Martin Gillate Dec 16, 2017

It reminds me of certain MPs who stand up in Parliament and say there must be more rape convictions. To me that sounds like "forget whether he's innocent, just engineer it to make sure he's convicted and, while we're at it, improve the statistics".

Flag

RecommendReply

peter sitch Dec 16, 2017

How typical of the police to blame funding cuts for useless investigation, they don't even attend burglaries. In cases like this one would imagine scrupulous attention to detail, no more interested in visiting the canteen and hammering someone to boost the conviction stats-look at the Gemma Beale fiasco

Flag

53RecommendReply

Barns h Dec 16, 2017

@peter sitch My car was broken into opposite Kensington police station circa 5 years ago. I walked in to report it and ask them if they wanted to investigate - the man at the desk just shrugged his shoulders and said 'what do you want me to do about it'. If they are like that in one of the capitals most exclusive areas, goodness help anywhere else. Also, been at the receiving end of totally fictitious case by a traffic cop, who was proven to have given 'inaccurate evidence' to the court. Case was total tosh. So little time for them it's unreal.

Flag

50RecommendReply

DavidEDI Dec 16, 2017

@peter sitch We all need to work to a budget. It seems like the CPS has an unquenchable thirst to give everyone in the country a criminal record (almost 1/3 of UK men have a criminal record by the age of 30). No wonder they have a funding crisis.

Flag

9RecommendReply
Northern Boy Dec 16, 2017
@DavidEDI @peter sitch
You're right with your numbers

but you do have an interesting view of where the blame lies.....its the CPS' fault that criminals get caught and convicted.....perhaps they should just not offend in the first place

Flag

1RecommendReply
KnightsbridgeSW Dec 16, 2017

Alison Saunders and her staff should be charged with perverting the course of justice. It's a complete and terrifying disgrace. How can we believe in the rule of law and justice if those appointed to run it do so in an unethical and unprofessional way? It stinks. And Alison Saunders and her senior team should be dispensed with immediately

Flag

133RecommendReply
Nicholas Reger Dec 16, 2017

@KnightsbridgeSW She should be gracefully retire to take the ermine and sit in The House of Lords. Once elevated to that place, to sit on the crossbenches with The Lord Baron Hogan-Howe, Knight Bachelor QPM.

A small stipend of 300 notes a day will allow her to continue to dispense wisdom gleaned from a long and illustrious career of public service.

Such an arrangement would permit continued access to Home and Justice Secretaries down the corridor to deliver informal advice in convivial surroundings.

Flag

7RecommendReply
cabbie Dec 16, 2017

@Nicholas Reger @KnightsbridgeSW Quite right. Then she could take up one of the vacancies as Vice Chancellor of some university paying £400k+ pa.

Flag

6RecommendReply
Gramarian Dec 16, 2017
@KnightsbridgeSW
No votes in getting rid of her.

However not sure the detoxification of the Tory party by appointing the likes of Saunders will be successful.

Flag

RecommendReply
Ben Wilder Dec 16, 2017

This is what happens when you disregard the premise of "innocent until proven guilty" in favour of Allison Saunders' "believe the victims" mantra.

Flag

160RecommendReply
James Croft Dec 16, 2017

The Clown Persecution Sillybu**ers and PC Plod strike again.

Flag

20RecommendReply
Ben Wilder Dec 16, 2017

This is a malicious accusation which has ruined the last two years of the man's life. The accuser should be prosecuted and she should be publicly named.

The officers and CPS lawyers responsible for this balls up should lose their jobs as well.

Flag

138RecommendReply

Jonathan Portch Dec 16, 2017

Name the accuser. It's plainly wrong that someone's life and reputation is spoiled while a liar remains unidentified.

I can but hope that's a case sub judice.

Flag

91RecommendReply

thebeancounter Dec 16, 2017

She will be named in time, I have no doubt.

Flag

2RecommendReply

catriona talbot Dec 16, 2017

@thebeancounter

Yes - her name will be all over social media, and will slip out eventually.

Flag

RecommendReply

EknowsUknow Dec 16, 2017

In view of this report and the Green **Legal Porn** affair, it sounds like the police and CPP are completely uncontrolled. "**Looking into our procedures**" is just not enough. People need to be prosecuted or sacked for these perversions of justice.

Flag

76RecommendReply

John Austin Dec 16, 2017

How can the DPP's apology be taken seriously when she has instigated an increase in badly-prepared rape trials in order to pursue her own feminist crusade? Fine if the evidence is there and cases are meticulously prepared, but it is an absolute dishonest charade if they are not well prepared.

Flag

118RecommendReply

EknowsUknow Dec 16, 2017

@John Austin John. I will bet that there is no independent review / challenge process prior to going to court. If there were, this sort of abuse would easily be stopped.

Flag

6RecommendReply

John C. Dec 16, 2017

Perverting the course of justice?

Flag

13RecommendReply

Mr R A Adams Dec 16, 2017

@John C. Con- stant references here to 'disclosure', but to whom? Surely there's no question of the police having withheld this material from the CPS - is there?

Its eventual disclosure to the Defence is what saved the defendant's bacon

Flag

4RecommendReply

RamRod Dec 16, 2017

As I understand it requests for disclosure were denied several times.....

Flag

7RecommendReply

Heather Dec 16, 2017
@Mr R A Adams @John C.

It was the **prosecuting** barrister (new) who insisted that the text messages be given (disclosed) to the defence.

The police had said they held nothing of interest when the defence had requested them. Most of the text messages were also to third parties, not to the defendant so he also was unaware of them.

Flag

RecommendReply

*Ref.: Rape case scandal is just 'tip of the iceberg'.docx
26/04/2018 10:46*