

Teenager released from prison after police disclose texts clearing him of rape

<https://www.thetimes.co.uk/article/teenager-released-from-prison-after-police-disclose-texts-clearing-him-of-rape-j556qfthq>

Frances Gibb, Legal Editor

January 31 2018, 12:00pm, The Times



The case against Connor Fitzgerald was dropped at Croydon crown court
ALAMY

A teenager suspected of rape spent three months in jail after police failed to disclose damning messages from his alleged victim in which she bragged about “ruining” his life.

In the latest case to come light where crucial evidence has not been disclosed, Connor Fitzgerald, 19, lost his job as a BT engineer after his arrest last year. Prosecutors threw out the charges last week when they were told that the alleged victim had sent texts threatening to destroy him. One read: “I’m not just going to mess his life up, I’m going to ruin it lol.”

The case echoes that of Liam Allan, 22, whose rape trial collapsed last month after his barrister ordered police to reveal messages from his accuser which they had previously failed to hand over.

Mr Fitzgerald, of South Norwood in southeast London, told *The Sun*: “It’s been heartbreaking. It felt like I was guilty until proven innocent. My life has been ruined. I’m scared to even leave the house because everyone thinks I’m a rapist.”

The woman, who cannot be named, accused him of rape after a night out drinking on June 24 last year. On November 1 the police burst into his family home and arrested him in front of his mother and sister. He was denied bail and held in High Down prison in Sutton, Surrey.

His brother then found some of the messages on his iCloud account and alerted the Crown Prosecution Service (CPS), after which the case at Croydon crown court was dropped.

Mr Fitzgerald, who plans to sue the police and CPS, said: "If my brother hadn't found the texts, I'd have ended up in prison for 12 years or more."

A CPS spokesman said that the case was kept under review until officers provided more material this month when "it was decided there was no longer a realistic prospect of conviction".

A spokeswoman for the Metropolitan Police added: "We are content with the investigation and our disclosure work, which was conducted in liaison with CPS."

On Tuesday Mr Allan, who spent two years on bail waiting for a trial that collapsed on the third day, [condemned an official review into his case](#) after it concluded that there was no evidence that messages from his accuser's phone had been withheld deliberately. He has described his experience as being "dragged through hell" for two years and said that he intends to sue the police.

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RM Feb 1, 2018

Dear Ms Saunders,

It has taken the destruction and press coverage of these recent failed trials to initiate a review, yet you have been aware of these disclosure failings for sometime. These atrocities have arisen under your watch and therefore you must take overall responsibility for them.

Currently the officers on the ground are being used as scapegoats for these appalling miscarriages. But these officers are simply trying to achieve targets set from above and it appears they do this by whatever means. It is a shame that these same officers are not equipped enough to stand up to their superiors but this is potentially the offset of working in a target driven environment. It is these officers, their superiors, CPS and ultimately you that have to take responsibility for what is happening now and what has been happening for a long time.

Your silence on these matters is very telling. Your denial about earlier miscarriages of justice simply demonstrates that you are out of touch with reality.

By all means review current cases, you should, but these miscarriages did not commence when Liam Allan's case failed. A review of many cases where people have been sentenced based on little or no evidence is now needed, not tomorrow, not next week, but today.

I further urge that these reviews are totally independent and not internal.

I don't envy your position, it must be incredibly difficult, but it is YOUR position and you need to listen to the many stories of destroyed lives.

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9RecommendReply

j turner Feb 1, 2018

People who make serious allegations should be named and maybe they would think twice about doing it if they had to account for themselves.

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Edward O'Brien Jan 31, 2018

And still we wait to hear of any of the perjurers being arrested for the crimes they clearly enjoyed committing...

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Peter O'Toole Jan 31, 2018

As I have stated in previous posts, the government must consider introducing a charge of malicious prosecution.

"Perverting the course of justice" is just not good enough.

"The woman, who can not be named..." What? Why not?

No, really, why not? We need to be told.

She now roams free to hook up with other unsuspecting saps who have no idea to what lengths she will go to get her revenge for not getting her way.

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Carla Jan 31, 2018

This is appalling, that poor lad. Surely, if messages were found from the 'victim' laughingly saying she wanted to ruin his life, then she ought to be prosecuted herself?

Then there's the CPS spokesman who said, "it was decided there was no longer a realistic prospect of conviction". This makes it sound like they would still have liked to carry on with the prosecution if there had been different evidence. Wouldn't a sincere apology have been better? Can't they see there never was any reason to prosecute in the first place and they've just ruined someone's life?

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20RecommendReply

MKW Jan 31, 2018

Were the texts sent before or after the day in June on which she claims to have been raped? If before, it means she lied. If after... well, it's not unreasonable to mouth off that you want to destroy someone who's hurt you.

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lancsmarsbar Jan 31, 2018

@MKW Mouthing off is one thing, setting somebody up for a serious prosecution is quite another.

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MKW Feb 1, 2018

If someone had raped you, both seem reasonable, surely.

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SJR2020 Jan 31, 2018

It is about time the investigative and prosecuting teams started being investigated, convicted and jailed for what is perverting the course of justice.

If the Detective Constable isn't checking texts and social media feeds and the supervisory ranks are not checking it's been done and the CPS are not asking to see it, then its suppression of evidence on a conspiratorial scale. Allegedly.

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Mark Bullen Jan 31, 2018

The victim gets named, loses his job and remanded in custody.

The offender doesn't even get her name released....

Seems pretty typical. I wish this young lad all the best.

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Luke Watts-Apnin Jan 31, 2018

And yet another example of how far the establishment has foregone its duty of care to those accused of rape.

Feminist hysteria dictates that accusations amount to irrefutable proof.

Yet barely a word anywhere, by anyone, about the false accusations and vindictiveness of the women who make these allegations and ruin lives.

Men's lives matter too. Or don't they?

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13RecommendReply

jedflorex Jan 31, 2018

How many more of these cases? All these women need to be named and charged.

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26RecommendReply

Gerry Westerby Jan 31, 2018

Given the severity of the ordeals suffered by these victims at the hands of incompetent police and even more inept CPS lawyers it surely must now be blindingly obvious to even the most obtuse of Tory ministers that an independent tribunal must be set up immediately to review these cases and set the tariff for damages. Leaving it to individual civil actions to be contested by an arrogant and obfuscating CPS is merely adding insult to grievous injury.

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11RecommendReply

Gregor Kropotkin Jan 31, 2018

I somehow missed the bit about the woman retaining her anonymity-that really is an outrage, I just hope that her conduct was enough to see her in court.

Possibly it is about time that the people who make false allegations and were proved in court to be guilty of it were made to spend the same amount of time inside as their victim would have if convicted on their lies.

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17RecommendReply

LLE Jan 31, 2018

If this complainant were named, I would attempt to crowdfund a private prosecution for perverting the course of justice, as the Police don't seem to be interested.

False sexual assault/rape/domestic violence allegations are not uncommon as the feminists would have us believe, they are actually quite common.

For women suffering from bi polar, wanting leverage in the family courts, and suffer shame after group sex, (just some of the examples I have come across)making false allegations seems to be the default action, with the police /CPS lacking the checks and balances to weed out not credible witnesses.

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Attrix Jan 31, 2018

@LLE And I would certainly donate.

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PB Joyce Jan 31, 2018

The liar probably won't be prosecuted. Very few are, because police performance is not assessed on conviction rates for false accusers. Police, the CPS and feminist groups then stress how rare false accusations are, based on the consequent low rate of convictions. This reinforces the notion that we should "believe the victim", and the cycle continues. Re-examining current cases is not enough; innocent men are already in jail and the real perpetrators are running free.

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Andrew Middlemiss Jan 31, 2018

How come this women can't be named when she actively perverted the course of justice?

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Clive Rutherford Jan 31, 2018

The accuser should now go to prison and get a taste of her own medicine.

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12RecommendReply
Philip PM Jan 31, 2018

The law is increasingly a congenital ass, for a number of reasons. Just looking through this article, some of them are obvious.

Firstly, a false accusation of rape by a woman can cause havoc and destruction to the man accused, and yet, while he has to undergo all the social reactions to being accused of this particular crime, she can blithely lie through her teeth, and yet stroll away unnamed at the conclusion of the shameful event.

Secondly, the ritual weasel words by both the CPS and the police are shameful and downright disgusting in the circumstances. What comes through, at least as reported in the press, is an attitude of arrogant disdain, refusal to accept responsibility for this monumental cock-up, and a flatulent use of words which convinces no-one that they give a damn for the young man whose life has been kicked into touch over these events.

Even more, they show no signs of appreciating the seriousness of what has occurred, let alone any willingness to ensure there is no recurrence. Might as well have been listening to the speaking clock, for any good that their 'speeches' have done.

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24RecommendReply
Colin Dutton Jan 31, 2018

The accusation has not just been proved false, it's been proved malicious. The accuser should be named after being found guilty of perverting the course of justice.

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25RecommendReply
Ian Lumsden Jan 31, 2018

Something is going wrong. When it is clearly found that a woman is committing a crime after a false allegation of rape there must be some criminal repercussion. And do note that I said "clearly found". Some of the social media discovered, rather late in the day, is clear.

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15RecommendReply
michael floyd Jan 31, 2018

Not so sure that this woman's anonymity can be maintained in the present hostile climate ...but I expect a lot of females will be erasing their i Phone data..we can be sure that the Laydeez Union will hang together ..or maybe be hung out to dry...time for the Mail to get to work with a juicy bounty.

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4RecommendReply
Brian Davies Jan 31, 2018

I'm confused how his brother found the significant texts on Connor's iCloud account. Surely the woman didn't send him the relevant damning messages quoted in the article?

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Anip Jan 31, 2018

What's the latest on Saunder's sacking?

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jcm Jan 31, 2018

When will we see some of these false accusers on trial?

How can the Police rebut the idea that in order to achieve prosecution targets they are withholding evidence?

How many other categories of crime are also affected by this issue?
How many innocent people are in prison now?

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9RecommendReply

Mr D Akenhead Jan 31, 2018

Shameful behaviour. I hope he gets the fullest compensation possible for this, and that she is made to face the music for her actions. For the police to have knowingly withheld this evidence is inexplicable.

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Alan Carter Jan 31, 2018

Something seriously wrong here. Accused of rape on 24 June and police arrest him on 1 November. Surely there must be more evidence than just her statement, how can you possibly gather enough evidence to jail someone from that far back? Are we in a country where a random woman can accuse someone some months later and the police just take their word for it? It would appear so.

I hope BT give him his job back as well, show good will (to tide him over until his well deserved payment when he sues the police)

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10RecommendReply

jojowiththeflow Feb 3, 2018

The article mentions the date of the alleged (and since disproven) assault and the date of the arrest, but doesn't appear to state the date the complaint was made to police or on what date police started investigating.

To complain here that it took too long... who knows, perhaps the issue was that not enough time was taken to investigate properly?

Sadly none of the articles published seem to give enough insight to assess whether this was a case of 'too long' or 'too soon' or something else entirely.

Even as just commenters on newspapers' websites let's resist the temptation to draw conclusions or pass judgement too quickly and/or without having all the information, when it may well have been exactly that which saw young people wrongfully accused/charged.

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Slightly Tipsy Max Jan 31, 2018

I hope the accuser is unmasked and charged with making a false serious allegation. I also hope that the police responsible are identified (unlikely) and suitably punished.

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Mark Eltringham Jan 31, 2018

How many more of these cases are we to see? The DPP doesn't need to be sacked. She needs to be jailed.

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9RecommendReply

Rob Jan 31, 2018

@Mark Eltringham and it was the DPP who said she is confident that no innocent person has been jailed as the result of such an error."

Flag

5RecommendReply

onlyfair Jan 31, 2018

"...when "it was decided there was no longer a realistic prospect of conviction"". And therein lies the problem. It is not the job of the police to get a conviction. It is their job first to establish whether on the basis of all the evidence available there is good reason to assert that an offence has been committed at all. They are only looking for evidence which supports the allegation rather than all the evidence in the round. But that is what happens when the starting point of the police is to believe the accuser.

Flag

6RecommendReply

Rob Jan 31, 2018

Exactly. If they wouldn't have found the phone records as in this case and many others would they have ended up being jailed? It would be interesting to know what evidence they actually had to charge these people and what is actually needed for the threshold test. To me it seems all they need is an accusation, nothing else.

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3RecommendReply

Ruth Ramsden Jan 31, 2018

I've been wafting around the various stories about #metoo, the harassment of women, the current movement to stamp out the terrible cultural sexism that still exists in many places and while I'll wave my little pink flag in support of this, I've become increasingly uneasy at the ease with which a simple accusation is now sufficient to condemn a man. Women are increasingly being denied any agency, especially by other women, who seem keen to characterise us as 'victims' and little else. That women *have* agency is shockingly evident here. We are well aware of our sexuality, perfectly capable of using it, perfectly capable of lying. Just as those ladies attending the President's Club quite legitimately used their glamour and sexuality to make a few quid, so too has this shamefully anonymous woman used her sex and a rampant Zeitgeist to ruin a young man's life. Until we admit that women are adults capable of making their own decisions, sometimes capable of awful mendacity, then we won't make progress towards a fairer society for everyone.

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35RecommendReply

Mark Eltringham Jan 31, 2018

@Ruth Ramsden Well said Ruth. There are many aspects to what is happening and they affect both women and men.

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Mrs Kay Wheelton Jan 31, 2018

The inference is that the cps and Alison Saunders have a specific agenda in certain cases and the police have eagerly complied. Each case that fails police and cps make same sad excuses. Predict Saunders is toast.

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9RecommendReply

lancsmarsbar Jan 31, 2018

@Mrs Kay Wheelton I do hope you're right about Saunders but, astonishingly, there's no sign of it yet.

Flag

4RecommendReply

Krunger Jan 31, 2018

The feminist assertion that false accusations of rape are as rare as false accusations of other crimes has been disproved by recent cases.

I have never heard of a false accusation of burglary or shop lifting but I come across a new case of false accusation of rape every time I open a newspaper.

The police and the CPS need to rethink their approach to rape so it accommodates the high probability of a false accusation.

The feminists forced the legal system to relax the level of proof needed to get a rape conviction, but it has become clear that we in fact need higher standards of proof for rape than other crimes.

We should also drop the right of anonymity of the complainant if a guilty verdict isn't reached. It surely violates every notion of justice for a malicious false accuser of rape to have her identity protected while an innocent man has his name plastered all over the media.

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51RecommendReply

Gregor Kropotkin Jan 31, 2018

@Krunger I hope you don't mean that every woman who has not seen her alleged attacker found guilty should be named? If the accusation was proved to be a fabrication then definitely but not otherwise ever.

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4RecommendReply

Howard M Jan 31, 2018

"A spokeswoman for the Metropolitan Police added: "We are content with the investigation and our disclosure work, which was conducted in liaison with CPS."

So the police ruin this young man's life then try to cover up their appalling inaction by trying to spread the blame. Nice! This is a weekly occurrence by a broken justice system.

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49RecommendReply

RECH Jan 31, 2018

@Anthony Groom "*This non disclosure issue is now almost a national scandal.*"

You are correct, but something far, far more serious is going on. Almost unbelievably these people are the lucky ones, because the evidence exists to be disclosed, even if it is disclosed late. What would have happened to Liam Allan, Connor Fitzgerald and the others is their accusers has lost their phones, or just not sent the texts?

There is a really urgent need to re-balance these he said / she said cases. That may result in some guilty people getting away with it, and the awful prospect of some women who are genuinely victims not seeing justice done, but that is the risk we have to take if we want the presumption of innocence to really mean what it says.

And I hope BT does the decent thing and gives Mr Fitzgerald his job back.

Flag

53RecommendReply

Slightly Topsy Max Jan 31, 2018

@RECH @Anthony Groom All texts are time stamped and their receipt confirmed by the service provider. It seems impossible that the person did not send these texts. There are also usually other social media activity plus time stamps which proves the texts are genuine.

Flag

3RecommendReply

RECH Jan 31, 2018

@Slightly Topsy Max @RECH @Anthony Groom Sorry, I think you have missed my point. What if there hadn't been any texts to disclose because she never sent any? In that case this young man may well have been convicted.

6RecommendReply
David Jan 31, 2018
@RECH @Anthony Groom Very well said.

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5RecommendReply
Rob Jan 31, 2018
@RECH @Anthony Groom Couldn't agree more. Innocent people serving jail terms just so Alison Saunders can increase the conviction rate and meet targets.

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Question is will anything change going forward?

Looking at the current responses from the Met and CPS it seems not

7RecommendReply
John Cleeve Jan 31, 2018
Something very wrong with our police!

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27RecommendReply
john coles Jan 31, 2018
The Met statement says everything. "We are content with our investigation and our disclosure work..." It was his brother who did the investigation and disclosure. They simply left an innocent young man in jail for 3 months and cost him his job. And they are content? Beggars belief.

Flag

63RecommendReply
Gregor Kropotkin Jan 31, 2018
Can he sue?I bloody well would. The Police are an embarrassment sometimes and too often they have automatic immunity from their errors and this can lead to wrecked lives so they should be held more publicly to account when they are so incompetent. I don't hate thePolice, I just think we need higher standards and more professionalism.

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34RecommendReply
Attrix Jan 31, 2018
@Gregor Kropotkin Totally agree Gregor.

Flag

2RecommendReply
Peter Hurley Jan 31, 2018
@Gregor Kropotkin "higher standards and more professionalism"! IMHO fitting someone up is a criminal offence, and at the very least lying under oath, albeit by omission, and tantamount to perverting the course of justice by **spoliation of evidence** (ie: the intentional, reckless, or negligent withholding, hiding, altering, fabricating, or destroying of evidence relevant to a legal proceeding)...

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Its past time that PC Plod was hung out to dry for this...

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7RecommendReply
Geoff Jan 31, 2018
Why should this woman benefit from having her name remain secret whilst this poor lad has had his dragged through the gutter? Surely the protection is for victims of rape, which it has now been established she was not.

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131RecommendReply

KS Jan 31, 2018

The point of shielding alleged rape victims' identities was to encourage more of them to come forward. If the complainant in every failed rape prosecution is named, that in itself will deter genuine victims from bringing cases to court. Few rape victims want the ordeal of their stories being discussed all over the media and obviously not all genuine rape victims get justice in the courts anyway. The best thing to do would be to shield the defendant's identity as well until even the appealed cases are decided.

Flag

7RecommendReply

Agriffindor Jan 31, 2018

@Geoff when false allegations like this are found, there needs to be some sort of punishment for the alleger.

We seem to be in a system where you are guilty until proven innocent. And even then the police hide evidence

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38RecommendReply

Jaime Green Jan 31, 2018

And we keep naming alleged rape suspects and shielding their alleged victims. At what point does the police refusal to consider or share compelling evidence, usually on social media, become obstruction of justice rather than under resourcing?

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62RecommendReply

markleechdotcom Jan 31, 2018

Given police budget cuts I get that basic tasks are not done, prisons are the same, but this is a scandal that goes way beyond that, with jobs lost, people jailed, lives devastated, and when they had the evidence of 'not guilty' all the time.

Another example of how cuts to our public services are having devastating effects - on police, prisons, NHS, schools.

There has to be a better way.

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9RecommendReply

bbhants Jan 31, 2018

And all the time the false accusers go anonymously unpunished.....

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52RecommendReply

A Firswell Jan 31, 2018

Astonishing. I hope he successfully sues the police for a six figure sum and the lying b*tch for similar.

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60RecommendReply

Pete O'Tube Jan 31, 2018

"It felt like I was guilty until proven innocent."

"it was decided there was no longer a realistic prospect of conviction"

Two statements, one from the innocent victim of a false accusation and perjury, and the other from the Police.

The total failure of the Police and CPS to understand that this man is completely innocent of this crime is outrageous. To come out with such a mealy mouthed statement that they don't think they can get a prosecution tells me that they still regard him as GUILTY until proven INNOCENT.

It's beyond belief in this day and age that Saunders still has a job.

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89RecommendReply
Mary Walker Jan 31, 2018
@Pete O'Tube
You are right.

"It was decided there was no longer a realistic prospect of conviction", the quote from a CPS spokesperson, which says it all.

The CPS aren't even looking at justice or whether 'suspects' are innocent or guilty. They clearly aim for the maximum number of convictions regardless and award themselves points on that basis.

I'd like to say it's unbelievable but tragically it isn't.

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6RecommendReply
Andy Webb Jan 31, 2018
The evil cow should have the book thrown at her!

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49RecommendReply
Daniel Dolan Feb 1, 2018
Alison Saunders? I agree.

And yes - the lying ex-girlfriend too. Sadly it seems no action is even taken against false rape accusers, no matter how blatant the lies to police / perjury.

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1RecommendReply
Nick Molesworth Jan 31, 2018
Out of interest, what happens to the women who are found to have lied to the police about being raped?

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68RecommendReply
TBecker Jan 31, 2018
"Mr Fitzgerald, who plans to sue the police and CPS" I hope this chap takes them to the cleaners, truly shocking.

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51RecommendReply
Anthony Groom Jan 31, 2018
This non disclosure issue is now almost a national scandal.
Too many young men's lives ruined by lying women and incompetent coppers.
It has to stop now.

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69RecommendReply

Attrix Jan 31, 2018

@Anthony Groom Anthony, you understate it, it already is a national scandal.

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45RecommendReply

GrumpyPete Jan 31, 2018

One presumes the lady will be facing charges? I hope the Times follows this through

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lancsmarsbar Jan 31, 2018

@GrumpyPete Yes, if the content of those texts is not evidence of a prima facie case of attempting to pervert the course of justice then I don't know what is.

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