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Former rape suspect Liam Allan says every day was a battle after trial collapses



Liam Allan was falsely accused of rape (BBC News/PA)

A student accused of rape feels evidence is “cherry picked” after his trial collapsed following a bungled police inquiry and said every day in his ordeal was a battle.

Liam Allan spent almost two years on bail ahead of a trial which was halted at Croydon Crown Court in December after messages undermining the case were found.

The problems with disclosure of evidence were caused by “a combination of error, lack of challenge, and lack of knowledge”, a joint review into Liam Allan’s case by the Metropolitan Police and Crown Prosecution Service found.

Speaking following an apology from prosecutors and the police, the 22-year-old told the Press Association: “The evidence uploaded appeared to be cherry picked because it only assisted the Crown’s case.

“This is why at the beginning of the trial my lawyers again before the judge requested disclosure and this ultimately yielded the messages which assisted my case and exonerated me.”

Mr Allan said each day during the ordeal was a “battle”.

He said: “Every day is just sort of a different battle, you either wake up and you give up on the day or you wake up and you’re ready to sort of face the day, but from start to finish after I was arrested we had hope because we knew the truth, we knew it wasn’t true and you have that hope.

Every day is just sort of a different battle

“As things progress the lack of communication that you have, especially on my end, of what’s going on, the amount of times I had to chase up, every day just felt like you were losing.”

Mr Allan now wants to go travelling and finish his degree at the University of Greenwich.

A review into the collapsed case found more than 57,000 messages were recovered from the complainant’s phone, but only some were served in evidence.

The entire download was not passed to the defence because the officer in the case said there was “nothing relevant on it”, the review said.

It is understood messages which later resulted in the collapse of the trial included some between the alleged victim and friends saying what a kind person Mr Allan was, how much she loved him and that she had had a great experience with him.

There were also references to rape fantasies, Mr Allan’s lawyer Simone Meerabux confirmed.

The officer in the case admitted in an email included in the review that he had been mistaken in his belief that he looked through the whole download.

He said: “I had always made clear that there was a download but had told CPS and original prosecution counsel (named) that I had looked through it and identified everything that was relevant.

“I can only read from this that because of the volume of analysis of phone downloads I deal with, I had wrongly assured myself that I had looked through this entire download.”



Liam Allan, 22, at his solicitor's office in Croydon, as the student accused of rape has said he feels evidence is "cherry picked" after his trial collapsed (PA Wire / David Mirzoeff)

The officer has not been disciplined but is not currently working on sexual assault investigations, Commander Richard Smith of the Metropolitan Police said.

He added: "That is not to say we don't have faith in him as an investigator. He made an error, and we should have systems in place to address human error when it occurs."

Addressing reporters at Scotland Yard alongside Claire Lindley, chief crown prosecutor for London South, as the review was published Mr Smith said: "Claire and I met with Mr Allan yesterday afternoon where he received a personal apology from us both and I was really pleased to have that opportunity to meet with him face to face, allow him to read the report and apologise for the errors that were made."

The review found that the prosecutor in the case had relied on the officer's mistaken belief, when they should have "probed and challenged" him.

Ms Lindley said: "This is not about resources. This is about a mistake being made by an officer and a lack of check and challenge by the prosecutor involved."

Mr Smith said: "The amount of cases he (the officer in charge) was investigating at the time, he feels, was a contributing factor to the mistake he made, compounded by the lack of recording and mistakes in the system."

Last week the CPS announced it was reviewing all live rape and sexual offence cases after a string of defendants facing such allegations had the charges against them dropped when critical evidence emerged at the 11th hour.

On Tuesday Mr Smith said the Metropolitan Police is reviewing 600 cases of rape and sexual assault.

Thousands more are under review nationally, the Crown Prosecution Service said.

<https://www.guardian-series.co.uk/news/national-news/15907050.former-rape-suspect-liam-allan-says-every-day-battle-trial-collapses/>

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