

Missed messages clear boy, aged 17, of rape

<https://www.thetimes.co.uk/article/missed-messages-clear-boy-of-rape-lhg8mbkn>

Neil Johnston, Midlands Correspondent | Jonathan Ames

February 3 2018, 12:01am, The Times



Thousands of messages showed that the relationship was consensual
REX FEATURES

A teenage schoolboy has been cleared of rape after his lawyers uncovered key evidence that proved his innocence but was missed by police and prosecutors.

The Crown Prosecution Service (CPS) has publicly blamed police officers for not discovering thousands of social media messages that proved the 17-year-old boy, who cannot be named for legal reasons, was not guilty.

He was expelled from school after his arrest by Leicestershire police in 2016, when he was 15, and is the youngest victim of the disclosure scandal engulfing the CPS.

Yesterday the prosecution offered no evidence after deciding that there was no longer a realistic prospect of conviction. Not guilty verdicts were entered for the 14 charges against him, which included rape against two complainants, sexual assault and sexual activity with a child.

The boy was cleared after the defence found 233 pages of Facebook messages that proved his relationship with the girl of the same age was consensual.

The prosecution had told the defence there were no relevant social media records but yesterday said that this was what they had been told by police.

The defence found the messages in October and say they passed them on to the prosecution then. The CPS claimed that they did not receive them until November. The girl was reinterviewed then and the case was reviewed.

However, the CPS notified Leicester crown court in December that it would be pushing on with the case. Only after further reviews did it drop the case.

Katya Saudek, for the defence, told Judge Nicholas Dean, QC, that she would write to the director of public prosecutions calling for an investigation into the case, which she said had been dogged by catastrophic failings.



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Yesterday's decision comes after a string of rape trials collapsed because of late disclosure of evidence. A review of all rape cases is under way by the CPS after *The Times* revealed that four trials had collapsed after crucial evidence was disclosed at the last minute.

The review began last month, shortly after this newspaper reported the collapse of the case against Liam Allan, 22, a criminology student accused of rape. Police had failed to disclose texts from a woman that proved his innocence.

Following the decision to drop the case yesterday, a spokesman for the CPS said: "We have a duty to keep cases under continual review. In March 2017, as part of the charging decision, the CPS requested that police investigated social media interactions, but were informed that no messages existed. As a result of new material made available to the CPS in November 2017, further reviews of the case were undertaken."

A Leicestershire police spokesman said: “Social media investigations were carried out but initially nothing was found that had a bearing on the case. However, when further information later came to light it was acted upon immediately. We are committed to reviewing the circumstances of this case .”

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Metlo Feb 4, 2018

We go on about equality in pay at the BBC, but allow boys and men to have their lives ruined by false allegations and nothing is done about it. Please lets have equality, not women having rights that are denied to men.

Flag

RecommendReply

Ben Feb 4, 2018

Two responses that I have heard from the authorities with regard this scandal have shocked me.

They are, in summary:

1. We are sure there are no innocent men in prison, and
2. Those convicted who still claim their innocence, can appeal in the usual way.

The arrogance is breathtaking.

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5RecommendReply

Luke Watts-Apnin Feb 4, 2018

@Ben It is truly shocking as you say. The potential historical miscarriages of justice are incredibly worrying.

I note also that this fifth case to be dropped in little over a month is relegated already to page 5 of The Times whereas the 'ghostly hand' that may or may not have brushed Kate Maltby's thigh (and

the other related cases of incidents that, even if true, constitute far lesser accusations than these discredited rape allegations) dominated the news for weeks.

And still I hear commentators and politicians insist that the identity of women in these absurd cases should be kept secret. Even after a 15-year-old boy (as he was at the outset of this 'case') has been inhabiting a living hell for over a year.

Flag

2RecommendReply

Rob Feb 4, 2018

Scary thing is what if they wouldn't have discovered these texts. Would these people have gone to jail and based on what evidence? Just goes to show that the system is sending innocent people to jail based on little or no evidence. How many people are in jail that are innocent. What is going to happen to these people?

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1RecommendReply

Ben Wilder Feb 4, 2018

Does the opposite of this ever happen. Do police and prosecutors ever "miss" messages which prove a suspect's innocence?

All of these blunders seem to keep falling on the same side of the fence.

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1RecommendReply

A reader Feb 3, 2018

It's 10.30 on Saturday evening. Hasn't Alison Saunders been sacked yet? The wheels of justice turn so slowly! And maybe hundreds of men languish in prison thanks to her politically correct campaign to believe every woman who cries rape, because women's rights trump everything, never mind the mothers of innocent boys who are victims of vindictive teenage girls.

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11RecommendReply

Ian Tinn Feb 3, 2018

In a modern-day witch hunt the witches do the hunting. The police assist at all stages, even to the extent of burying any evidence that the witches leave behind.

Flag

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Not Viner Feb 3, 2018

It occurs to me that before the days of text messages all this proof of innocence could not exist. A woman might have told her friend that a man was a good lay, but she would not have said it in writing. Draw your own conclusions about the number of unsafe convictions in the past.

Flag

15RecommendReply

RComer Feb 3, 2018

The article infers that there were other claims against him (including with a child) and that only one of them, the one with messages, has been dropped. Is that right? Were they concealed in order to get a sex offender off the street at all costs or was it just complete ineptitude, both of those are pretty damning! Wish the article provided more information. With an almost 17 year old daughter and a 14 year old son I watch these cases with much interest- and also fear for both children in different ways! Celibacy and burqas are looking very appealing right now

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1RecommendReply

Rob Feb 3, 2018

It states not guilty verdicts were entered for all 14 charges against him.

Flag

4RecommendReply
Mrs Ruth Bruce Feb 3, 2018
@RComer

I read it to mean that sexual activity with a child referred to sex with a girl who was, like him, under the age of consent. There were no *other claims against him*.

Flag

7RecommendReply
RComer Feb 4, 2018

My mistake, I thought it was complicated because of more than one complainant and lots of charges and the messages only applied/referred to one particular claimant. What an absolute horror for the boy and his family.

Flag

RecommendReply
Peter O'Toole Feb 3, 2018

After media and lobby group's bemoaning the paucity of convictions for rape and sexual assaults, it appears that the police and the CPS have striven to redress the balance by hook or by crook.

Failure to disclose evidence of vital importance to the defence, ("move along please, nothing to see here").

Blissfully, (deliberately), oblivious to the consequences for the falsely accused, not just the time spent in prison, but the years afterwards on the sex-offenders register, (a bit of a downer on the CV, one would imagine).

Claiming, when caught out, that any evidence helpful to the defence must've fallen down the back of the sofa. Etc etc etc.

And still, even after the extensive media coverage of these scandalous failures of justice, the pantomime continues.

Presenting favourable statistics trumps justice every time.

Flag

9RecommendReply
Bryan Dale Feb 3, 2018

Once again the police and prosecution are found to have missed exculpatory evidence. With such a clear pattern it's hard to believe that this is all accidental. It's also hard to believe that innocent men and boys haven't been convicted when full disclosure would have exonerated them. I think we will be dealing with such cases, past and present for years to come.

Flag

25RecommendReply
Michael Scholl Feb 3, 2018

Should the girls making these false accusations not be prosecuted?

Flag

40RecommendReply
Robert Williams Feb 3, 2018

@Michael Scholl No, not unless there is independent corroboration of the falsity of their statements, as the 1911 Perjury Act requires this. Just because the accused is not convicted does not mean the complainant has lied.

Flag

2RecommendReply

chiamonti Feb 3, 2018

@Robert Williams @Michael Scholl As many of these cases do not reach trial before they are dropped (at the last minute), questions of perjury do not arise as the complainant does not give evidence. Making a false complaint and intending thereby to pervert the course of justice is an offence at common law punishable (in theory) with life imprisonment. Several complainants in rape cases have been prosecuted and imprisoned. They usually plead guilty and receive about 16 months' imprisonment.

Flag

2RecommendReply

Robert Williams Feb 4, 2018

@chiamonti @Robert Williams @Michael Scholl OK I agree with the fact that making a false complaint is an offence. What do you say the standard of proof and the evidential requirements are for proving that the complaint was false? It cannot simply be that no conviction has been possible. The discovery of the social media evidence does not prove that the complainants allegation are false, it may just prove that the complainant is an unreliable witness - that is all.

Bear in mind that the complainant here was a 15 year old girl who was experimenting with sexuality for the first time. There is unlikely to be a successful prosecution in that case on those grounds either. Are you seriously suggesting that if there were such a successful prosecution, that 16 months imprisonment would be appropriate?

Flag

RecommendReply

chiamonti Feb 4, 2018

@Robert Williams @chiamonti @Michael Scholl No. I said the average sentence on a plea of guilty was around 16 months. Different sentencing principles apply to someone under 18. The younger the defendant the more likely a prosecution would not be considered in the public interest.

Flag

RecommendReply

Robert Williams Feb 4, 2018

@chiamonti @Robert Williams @Michael Scholl True. We are on the same wavelength

Flag

RecommendReply

Rob Feb 3, 2018

But if these text messages prove that it was consensual and they said otherwise surely that must prove lies have been told?

Flag

10RecommendReply

William Clark Feb 3, 2018

@Rob Agree. There is a law about wasting police time.

Flag

5RecommendReply

Mrs Ruth Bruce Feb 3, 2018

@Robert Williams @Michael Scholl

If:

- 1) the complainant has made specific allegations, and
- 2) there is tangible evidence to prove their falsity,

then only two conclusions are possible:

- 1) the complainant is insane, or
- 2) she knowingly lied.

Flag

3RecommendReply

Vicious Hippo Feb 4, 2018

@Mrs Ruth Bruce @Robert Williams @Michael Scholl I suppose it is possible the girl in question did not make an accusation. When two sixteen year olds have consensual sex, in law the boy is treated as technically committing an offense (even though the girl is as well). It could have been high minded officials pursuing technical rape because the girl was underage. The details in the article are too sketchy to know for sure. In any case, something is terribly wrong at the moment

Flag

RecommendReply

James Warren Feb 3, 2018

As I have got older, I have rather come to the conclusion that having sex with anyone other than your spouse is a perilous exercise with potentially catastrophic consequences. Indeed, even with the spouse, you may be taking your life in your hands.

Flag

23RecommendReply

Mark Eltringham Feb 4, 2018

@James Warren Are you aware of the story of Mark Pearson? Under the right circumstances, being in the same public space as a female you weren't even aware of can become a problem.

Flag

RecommendReply

Rob Feb 3, 2018

Be interesting to know how much money has been wasted on these cases? As well as the money needed to go over the thousands of cases that now need to be reviewed. That's not to mention the compensation that will needed to be paid to the real victims!
Is this target driven justice system working? Obviously not.

Flag

16RecommendReply

Dr Half-track Feb 3, 2018

@Rob

A target driven justice system worked just fine in the Soviet Union, but there 'perps' were incentivised to confess by non too subtle hints about the effect of non-cooperation with the prosecution on the family of the 'perpetrator'.

We just haven't got the system up and running properly yet.

Conviction rates will improve. It has been decided. The people demand it.

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4RecommendReply

Cain Ullah Feb 3, 2018

What actually happened to innocent until proven guilty? How can the school expel him until it is proven that he is guilty? A massive impact on his life, assumed guilty and it appears he is innocent.

Flag

36RecommendReply

Robert Williams Feb 3, 2018

@Cain Ullah Innocent until proven guilty applies only to the criminal sanction.

Schools, employers and so forth have to decide what to do, by their own standards, and it may be that if, aged 15 he was having prolific sexual relationships, which it seems he was, that they thought that that was grounds in itself.

Sexual activity with someone under 16 is an offence even if that person is also under 16 though it needs to be dealt with by the youth court. It just is not rape, if there was consent.

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2RecommendReply

Mark Eltringham Feb 3, 2018

@Robert Williams @Cain Ullah In which case she raped him too?

Flag

8RecommendReply

Howard Phillips Feb 4, 2018

@Mark Eltringham @Robert Williams @Cain Ullah I am not a lawyer, but I think that I have heard that in current UK law that is not possible: that rape can only be committed by men.

Flag

RecommendReply

Metlo Feb 5, 2018

@Howard Phillips @Mark Eltringham @Robert Williams @Cain Ullah Yes, a forty year old woman can ply a sixteen year old boy with drink and have sex, but the only one who can be prosecuted is the boy. Its called equality.

Flag

RecommendReply

Robert Williams Feb 5, 2018

@Metlo @Howard Phillips @Mark Eltringham @Robert Williams @Cain Ullah

Not necessarily. A sixteen year old boy cannot lawfully buy alcohol, and is not presumed to know its effects. It might be possible to prosecute a woman under the presumption of s75 (2) (f), I suppose. You could argue that for him, alcohol was 'a substance causing him to be stupified' and that therefore the burden was on her to prove that he consented

Under those circumstance for sure, the boy has not committed any offence.

Flag

RecommendReply

Cain Ullah Feb 3, 2018

@Robert Williams @Cain Ullah I see. Would this also require the girl to be expelled for having sex with someone under 15?

Makes sense though. Thanks for your reply.

Flag

4RecommendReply

Robert Williams Feb 5, 2018

@Cain Ullah @Robert Williams Not this girl, but it might do another girl. What might make the expulsion justified is if his precocity had led to a series of such seductions at it might have.

Flag

RecommendReply

Howard Phillips Feb 4, 2018

@Robert Williams @Cain Ullah It may be what was known in America as 'statutory rape', and that that has come into UK law. I am not a lawyer, but I think I have heard that somewhere.

Flag

RecommendReply

Metlo Feb 5, 2018

@Robert Williams @Cain Ullah Why haven't the girls been prosecuted as well, if they were having sex with someone under 16. I would have a lot more respect for our laws if they were applied regardless of gender.

Flag

RecommendReply

Adrian Hill Feb 5, 2018

@Metlo @Robert Williams @Cain Ullah There have been such prosecutions, mostly involving female teachers that had affairs with male pupils.

Flag

RecommendReply

Arturo Costantino Feb 3, 2018

Police acted on it "immediately". Who do they think believes them anymore?

Flag

23RecommendReply

Global Voter Feb 3, 2018

Just think about the number of poor innocent men who have already been locked up due to the UK's rabid politically correct culture. Unless there is third party evidence of non consent, no cases should ever be brought to court. The accusers in these cases should be locked up for 10 years minimum.

Flag

21RecommendReply

Robert Williams Feb 3, 2018

@Global Voter You want only matters where conviction s a certainty to be brought to court. If that were the rule, then here would be no point in having courts at all. The only point of having a hearing is in cases in which the outcome is uncertain.

Flag

1RecommendReply

Freebooter Feb 3, 2018

@Robert Williams @Global Voter

The problem with your side of things is that is in rape cases, where no third-party corroboratory evidence exists it is one person's word against another. Which means juries, whether they should or not, tend to convict or not on the balance of probablility, rather than without reasonable doubt.

Flag

1RecommendReply

Rob Feb 3, 2018

But cases that are referred to court need to have at least 51% chance of conviction. So cases of he said she said surely should not end up in court?

Flag

2RecommendReply

Ian Tinn Feb 3, 2018

@Rob Except that the police in some areas believe women and don't believe men.

Flag

2RecommendReply

Rob Feb 4, 2018

Unfortunately I do Ian. Especially when you have Alison Saunders barking out the orders

1RecommendReply

Ryan Dowding Feb 4, 2018

@Global Voter I am more than a little appalled that your comment appears to have so much support behind it.

The notion that third-party evidence should be required in all cases of this nature shows a complete disregard for the reality that exists for most victims of rape. It is a myth that the majority of rapes are perpetrated by strangers in public locations where witnesses are likely to be present. In fact, around 90% of rapes are perpetrated by individuals known to the victim. In many cases that person will be a boyfriend or a husband and the rape will be committed in private.

If your proposal was implemented it would render a gaping lacuna in the law as it stands, the effect of which would be that thousands of women victimised in their own homes would have their cases ignored - the perpetrators permitted to continue offending with impunity.

That sickening proposal would also not address the real issue here: that the police, the CPS and the legal aid system are chronically underfunded, despite the critical importance of the services they provide. The common thread running through all of the cases which have hit the headlines recently is that effective disclosure of important material has not taken place. This has typically been because the case has been rushed to trial without the proper money and time being injected into the disclosure process. That is where the real solution to these issues lies.

In terms of your second suggestion - that accusers in these cases should be locked up for "10 years minimum" - the lack of specificity appears to betray a fundamental misunderstanding of the criminal justice process.

The key point which needs to be stressed here is this: just because it cannot be proven beyond a reasonable doubt, in front of a bench of magistrates or a jury of one's peers, that a rape has taken place, that does not mean that the complainant has not, in fact, been raped. It is only right to punish a complainant where it can actually be demonstrated that the individual has lied. Where that is the case, then of course that person should be punished and punished severely. In one case last year a woman called Jemma Beale was in fact convicted of 4 counts of perjury and 4 counts of perverting the course of justice after it was proven that she had accused a string of men of sexually assaulting her. She was jailed for 10 years.

It should also be remembered, however, that false allegations of rape - while they clearly do occur - are rare; rape on the other hand is not. In a report by Keir Starmer, in his role as Director of Public Prosecutions, it was highlighted that between 2011 and 2012 there were over 5,000 prosecutions for rape, compared with 35 for false allegations. Importantly, it was also explained in the same report that the majority of the latter set of cases "involved young, often vulnerable" defendants. Frequently they were under 21 and were suffering from mental health issues. The point here is that unlike in the media - where things usually appear black and white, good and bad - in reality the world is grey. Perpetrators of these sorts of crimes might also be victims themselves and if they are young and vulnerable should be offered treatment and rehabilitation, alongside any punishment dished out.

Drawing this response to a close, the fact that we have operational laws to protect those wrongly accused of rape buttresses the my argument that the key issue here is the lack of care and attention

given to the criminal justice system of late; the issue is demonstrably not some sort of "rabid politically correct culture" which I would suggest is a figment of your own imagination.

Flag

RecommendReply

BigJim Feb 3, 2018

There's some kind of inverse logic working here.

The more serious the allegation, the less effort is put into its investigation and prosecution.

Expelled at 15, and on bail for nearly two years?

So this child's (because he is still a child) has already been ruined by the Police and CPS. His education ruined, his social circles and reputation destroyed.

Only the most swingeing cash settlement could make up for those losses as he tries to recover his life.

Flag

43RecommendReply

Chris Huckle Feb 3, 2018

He and all the others will get no cash settlement;they can't even reclaim their legal expenses.

Flag

10RecommendReply

Robert Jones Feb 3, 2018

False rape charges form part of a larger problem: True Feminism is dead.

True Feminism empowered women. Today's "Feminism" disempowers women.

Why else allow false charges of rape to gain traction, if not to show that all women are weak and incompetent and all women must be protected at all costs.

In these cases "blame the victim" can mean "don't hold any women to the same high standards to which men are held."

Yes. The world can be a dangerous place. But when a woman gets drunk and goes out at night with a stranger, to claim that she shares no blame for some unfortunate consequences is condescending to women. Actions have consequences, even (especially?) if you are a woman.

Flag

17RecommendReply

Dave Balding Feb 3, 2018

@Robert Jones

Please clarify this for me:

Are you suggesting that if a man goes out and gets drunk and is assaulted (sexually or physically) he shares the blame for the unfortunate consequences?

Flag

1RecommendReply

Newminster Feb 3, 2018

Dave Balding —

In certain situations, yes.

If you wantonly put yourself at risk of harm then you must be partially responsible for the consequences of your actions. And that applies in any situation and any walk of life!

If a person of either sex gets drunk and then chooses to engage in sexual activity (no matter how innocent — on a scale of 1-10 about 3, say!) with someone they do not know then they cannot be held entirely blameless if the encounter goes pear-shaped!

“Taking advantage” of a lady who is the worse for drink is not the act of a gentleman(!) but not every man is a gentleman and when the ladies are also out “on the pull” it is not unreasonable to expect them to shoulder a portion of the blame if things turn out not to their liking.

If you are perceived to be behaving like a tart you can hardly be surprised if you get treated like a tart.

(Please note - I am not talking about young women innocently walking home at two in the morning, drunk or sober, who are attacked as they do so, though I would suggest such behaviour is ill-advised. This is about women who have deliberately chosen to be alone with someone they have met in a pub or disco and whom they don't know from Adam but fancy “a bit of fun” with! It takes two to tango and they chose to join the dance.)

Flag

5RecommendReply

Dave Balding Feb 6, 2018

@Newminster

Absolutely wrong. Criminal assault is assault! End of. I suggest you read Robert Williams' post (below your post, probably above this). Hi

Flag

1RecommendReply

Metlo Feb 4, 2018

@Dave Balding If the person who commits the sexual assault is a woman, he doesn't share the blame, he is to blame. women have been absolved from any responsibility for their actions.

Flag

RecommendReply

Dave Balding Feb 6, 2018

@Metlo

And your evidence for that is?

None! Thought so...

Flag

RecommendReply

Metlo Feb 7, 2018

@Dave Balding The evidence is our rape law, which is not applied regardless of gender, why not.

Flag

RecommendReply

Robert Williams Feb 3, 2018

@Robert Jones There is no question a criminal charge of blame being shared. The man can be guilty of rape even if the woman might have avoided that fate if she had not been drinking. He is no less guilty because of that.

In a civil damages claim there is the concept of contributory negligence, but it does not apply in criminal matters. Contributory negligence helps insurance companies to share damages claims, but in a criminal case, compensation is not the issue.

Flag

1RecommendReply

Saint John Feb 3, 2018

Clearly the state messages that false accusations are few is not true. False accusations of rape are being shown to be common.

Flag

19RecommendReply

Mark Feb 3, 2018

This is the result of a target driven culture where the Police and CPS have been put under pressure to improve the conviction rate for rape. It needs to stop before a grave miscarriage of justice occurs.

Flag

15RecommendReply

Rob Feb 3, 2018

Do you think a grave miscarriage of justice hasn't already occurred? I am sure that innocent people are now serving prison sentences because of these targets.

Flag

19RecommendReply

Mark Feb 3, 2018

Do you have any examples of this having happened?

Flag

RecommendReply

Dave Balding Feb 3, 2018

@Mark

Mark, of course there are no examples, but as there appear to be so many instances of evidence, which would clear the accused, failing to reach defence lawyers, it isn't unreasonable to assume there will have been miscarriages of justice...

Flag

3RecommendReply

Rob Feb 3, 2018

Have you not seen the cases of Connor Fitzgerald and Danny Kay?

Go and have a look Mark

Flag

RecommendReply

Rob Feb 3, 2018

These are people that went to jail as the jury believed beyond reasonable doubt that they were guilty well at least in the case of Danny Kay. What evidence did they convict him on I wonder? Soley on her accusation?

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RecommendReply

Martin Hodge Feb 3, 2018

@Mark Bit late for that!

Flag

2RecommendReply

Martin R Feb 3, 2018

And the outcry from the feminist brigade is stunningly silent it appears.

Flag

13RecommendReply

David Edwards Feb 3, 2018

One solution would be to introduce a Scottish style requirement for corroboration, so that no conviction is possible when it's just the Complainant's word against the Defendant's. I suspect that none of these cases could occur 'north of the border'. The Scottish experience should be studied.

Flag

9RecommendReply

London Resident Feb 3, 2018

When will Saunders resign? Yet another ill-founded rape prosecution collapses due to incomplete disclosure of evidence against a backdrop of her crusading to increase the number of rape convictions.

This time its a teenager's life that has been ruined.

Flag

16RecommendReply
Dave Balding Feb 3, 2018
It's the failure of the police to look for evidence that the accused may be innocent. My understanding is that these cases are dropped because police eventually provide information to defence lawyers who carefully sift through it to prove their client's innocence. The CPS can only act on evidence provided by the police.

Flag

1RecommendReply
Saint John Feb 3, 2018
Has Saunders resigned yet ?

Flag

14RecommendReply
Chris Huckle Feb 3, 2018
Send your cv in anyway;best to be on the top of the pile. Just need to practice your sour faced expression.

Flag

1RecommendReply
Saint John Feb 3, 2018
@Chris Huckle

Not qualified . Dont have in built bias .

Flag

1RecommendReply
Anglian Diver Feb 3, 2018
The pendulum has swung too far to the "believe the complainant without question" position. All interaction between the police and the complainant in sexual crime cases should be recorded and those recordings made available to the defence.

Flag

6RecommendReply
jedflores Feb 3, 2018
These females all need to be charged and named...

Flag

21RecommendReply
Chris Huckle Feb 3, 2018
Or actually have the crime they alleged happened committed on them...for the sake of balance you understand.

Flag

RecommendReply
John Austin Feb 3, 2018
The journalist Ally Fogg has some interesting views on his ironically-named blogsite "heteronormative patriarchy"
<https://freethoughtblogs.com/hetpat/2018/02/02/how-bbc-question-time-let-down-the-victims-of-rape-and-the-wrongly-accused-alike/#comments>

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RecommendReply
Michael Schachter Feb 3, 2018
How about appointing a DPP with an interest in justice, not a trainee politician like Starmer or a token woman like the present useless incumbent?

Flag

13RecommendReply
Harris Feb 3, 2018

Look on the bright side. There's certainly no shortage of evidence - growing by the minute - to support a call for Saunders to be relieved of her duties, immediately.

Flag

13RecommendReply

Peter Scarborough Feb 3, 2018

How does it take nearly 2 years to get to this point? What compensation can he get for the lost education? Even though his name has not been published too many people will know who he is.

Someone at a high level in the police force needs to walk the plank for this one.

Flag

17RecommendReply

Soysauce Feb 3, 2018

It seems to me that the only solution is that if the Police have such a poor attitude to the defence, then the only option is that the accused and their properly qualified legal representatives are given complete open access to every scrap of information and piece of evidence they have collected, they should be able to make as many appointments to look at the files, phones etc as they think they need, if new evidence turns up late in the day and they fail to disclose, make it an instant dismissal offence... attitudes might just improve... Oh and fire anyone working in gender diversity or the dealing with 'hurt feelings' in minority communities officer...

Flag

8RecommendReply

chris edwards Feb 3, 2018

@Soysauce

Problem is defence lawyers don't believe it's their job to examine records - they don't get paid for doing so.

The police are paid but the task is huge and their resources are thinly spread. Dismissing police officers for being overworked will only make the situation worse.

Flag

1RecommendReply

David Charnley Feb 3, 2018

We used to do exactly that. Then the funding was cut off and police disclosure officers did the job. Our job then became one of trying to make sure that they did so. Not easy when you don't know what the material is exactly. That was when the problems started (decades ago) not just since a few recent cases got publicity.

Flag

2RecommendReply

chris edwards Feb 3, 2018

Exacerbated, no doubt, by the arrival of social media.

Flag

RecommendReply

David Charnley Feb 3, 2018

I know of one barrister who received a print out of 24000 texts at 6pm the day before trial. Lots of coffee no sleep but acquitted defendant. Several years ago. I don't think people found the need to say so much when communication went by post.

Flag

1RecommendReply

chris edwards Feb 3, 2018

It seems that this boy was only cleared because the girl involved was dopey enough to post conflicting evidence on Facebook.

It seems certain that convictions have been made in other cases where the 'victim' was not so careless.

Flag

19RecommendReply

Eileen McAndrew Feb 3, 2018

@chris edwards I can't see how having sex with a child is an offence for someone the same age as the child.

Flag

2RecommendReply

chris edwards Feb 3, 2018

@Eileen McAndrew @chris edwards

It is if it's rape.

Flag

RecommendReply

Eileen McAndrew Feb 3, 2018

@chris edwards @Eileen McAndrew

With regard to para: Yesterday the prosecution offered no evidence after deciding that there was no longer a realistic prospect of conviction. Not guilty verdicts were entered for the 14 charges against him, which included rape against two complainants, sexual assault and sexual activity with a child.

My understanding is that sexual activity with a child charge was separate from the rape charge and consensual in any case. Maybe that is not the case but the report is cryptic.

Flag

1RecommendReply

chris edwards Feb 3, 2018

@Eileen McAndrew @chris edwards

The consensual aspect was not known at the time of charging, only becoming apparent much later on review of the social media posts.

Flag

RecommendReply

Robert Williams Feb 3, 2018

@Eileen McAndrew @chris edwards It is. s13 of Sexual Offences Act 2003 expressly says that it is. It would probably be heard in the youth court though, except maybe in the case of rape.

Chris Edwards below says 'it is if it's rape' s13 however applies to every sexual offence with a child

Flag

RecommendReply

AJCG Feb 3, 2018

The Plod aren't bright enough to understand the first thing about the digital society in which we live and the CPS are under-resourced and probably aren't very competent. Together they are destroying lives. And, all I see is excuses and apologies. Policemen and CPS lawyers should be fired over these stupid, negligent miscarriages of justice. As far as the female involved in this case - who clearly lied or had a very bad case of amnesia, - are the police investigating her role and are the CPS considering charges of for perjury or perverting the course of justice?

Flag

7RecommendReply

C J Delmege Feb 3, 2018

@AJCG The official attitude is that when a complainant lies she "has not done anything wrong" (Liam Allen case).

Flag

5RecommendReply

Andi MacSporran Feb 3, 2018

the young men who have had their lives ruined by the police and CPS should sue both of those organisations separately - only when the CPS is sued for incorrect investigation will things start to change

Flag

8RecommendReply
paul dee Feb 3, 2018

Could it be that the police involved were so keen for a successful prosecution that they neglected to pass on the crucial 233 pages of Facebook messages ? And what about the girl ? Was she persisting in making false accusations of rape ? If so she needs to be dealt with.

Flag

9RecommendReply
AK 57 Feb 3, 2018

Even if it was consensual were not one or both under-age? Or is that just a "yellow card" these days?

Flag

RecommendReply
Richard Ambler Feb 3, 2018

Yet another female that is prepared to ruin an innocent ex-lover's life.

Flag

14RecommendReply
Awewheesht Feb 3, 2018

If a 15 year old makes an allegation of any sexual misconduct involving a contemporary, 15 minutes on their social media profile - 1 minute for every year they have been on planet earth - will be the acid test for taking the allegation seriously and investing any more time other than a caution for wasting Police time.

A 15 year old could review 200 odd Facebook pages in half that time. In the headlong drive for gender biased conviction results to make women and girls "safe" they are prepared to throw away any pretence at safe administration of justice.

Flag

5RecommendReply
Jaffa Cake Feb 3, 2018

Social media messages are not evidence that someone wasn't raped. A young girl can fancy a boy but it doesn't mean she consents to being raped by him.

Flag

1RecommendReply
Martin R Feb 3, 2018

True but if what she posts contradicts what she has told the police

Flag

1RecommendReply
C J Delmege Feb 3, 2018
@Jaffa Cake In this case they were.

Flag

1RecommendReply
James Warren Feb 3, 2018

@Jaffa Cake That may be true, but are you then going to dismiss all evidence except the word of the alleged victim?

Flag

RecommendReply
Jaffa Cake Feb 3, 2018

The CPS know that rape victims are rarely believed in court so if there is a message which suggests that she was flirting with the boy then they will throw out the case - not because it's proof she wasn't raped, but because they know the jury won't believe her story.

Flag

RecommendReply

Mark Eltringham Feb 3, 2018

In other words, he's guilty when she says he's guilty. Exactly the mindset that has created this mess.

Flag

5RecommendReply

stephen winter Feb 3, 2018

a case of :-

"We don't have the time and resources"

yet have the time and resources to sort the mess out later.

That is NOT a cost efficient way to handle cases as well as the human cost.

Flag

6RecommendReply

Thomas Mortley Feb 3, 2018

Another day, another case dropped because there were messages on the internet. To the justice system: we do understand that trawling the internet for messages is akin to trawling the Pacific Ocean for the wreckage of MH370 - but that is the environment in which you now operate. It may indeed be more difficult than it was historically, but they want this responsibility.

The whole show needs to examine its deontological raison d'etre.

Flag

3RecommendReply

Old Peculier Feb 3, 2018

So how are the policing, criminal justice and education systems proposing to redress the damage to this boy's life? If he was expelled from his original school, has he been educated elsewhere in the meantime? How will the school make amends - and would he even wish to return to it given the process of his expulsion?

Flag

5RecommendReply

Edward O'Brien Feb 3, 2018

The most conspicuous elements of this saga are the number of excuses and the buck-passing among those responsible for protecting us all. And 'all' must not mean just girls and women. Like so many others lately, I am at a loss why we do not hear of the female side in these catastrophes. It is clearly far too easy to accuse someone of rape then sit back and watch him writhe. In my view the false accusation of rape, almost always in revenge for ditching a woman for someone else, is as serious a crime as rape itself and should be treated as such.

It may be lightly said: "Hell hath no fury like a woman scorned," but it is certainly far from poetic for those young men who recently sampled it. Obviously the criteria used by those investigating rape require a serious overhaul...

Flag

8RecommendReply

David Shipley Feb 3, 2018

Hard to see how the Leicestershire police's statement can be correct, if the messages were on Facebook. Wouldn't that be the first place one would look to see whether there was anything relevant to an allegation of rape between two 15 year olds?

Flag

9RecommendReply

chiaramonti Feb 3, 2018

Why did it take 2 years to reach this point? Cases involving children are supposed to be given priority!

Flag

6RecommendReply

Adrian Hill Feb 3, 2018

This is now well beyond a few unfortunate errors.

When a fish becomes inedible the smell commences at the head. The CPS has lost all credibility on the issue of disclosure. The head of the CPS should resign.

The position of the police is no better. What were presented as honest mistakes are now beginning to look irrefutably similar to serial frame ups. The refusal even to accept failure once it is 100% proven is the trait of a corrupted organisation.

The initial damage is to the defenders who have born the opprobrium of being declared rapists, of being interrupted in their lives and in their education and carrying with them a slur that can never finally be removed and an impact upon their lives from which they cannot recover - how can a fifteen year old recover from expulsion from his school and going on for three years of their education.

In this instance, however, the terrible consequences for the falsely accused are less than the potential collateral damage. In the inevitable review of thousands of rape cases that will now follow it is inevitable that the guilty as well as the innocent will benefit. The damage that this will do to their victims is incalculable.

Flag

5RecommendReply

Michael Jones Feb 3, 2018

There are some very serious issues here. Being expelled instead of being suspended by the school is just one thing, but the police and their directions from the incompetent DPP is now stretching their fireproof position to the point where there could and should be instantaneous combustion. Then there is the timescale involved, and I am sure everyone would want to know what lies in the background of this story as to where the poor lad ended up for his schooling at such an important juncture in his education after being expelled. Then there is the final statement: "Social media investigations were carried out but initially nothing was found that had a bearing on the case. However, when further information later came to light it was acted upon immediately. We are committed to reviewing the circumstances of this case ." Are the police seriously suggesting that the lad did not give any early indication that there had been exchanges on social media?

Flag

8RecommendReply

Clumsier Feb 3, 2018

I thank god I do not have a son.

Flag

RecommendReply

Dave Hill Feb 3, 2018

So did nobody in the investigations ask the boy and girl involved if they had any social media messages prior to the alleged offence?.

Flag

3RecommendReply

Nick Billson Feb 3, 2018

I can't believe that a 15 year old girl would go to great lengths to hide her Facebook messages, so presumably the only reason the Police (and defence team) didn't have them was because they couldn't be bothered to look for them. Given all that we know about teenager's behaviour regarding social media this seems a remarkably stupid thing to do. If these had been found two years ago a huge amount of time and money could have been avoided and a 15 year old boy could have continued his education at what is a critically important time in his development.

Flag

5RecommendReply

Vivien Hall Feb 3, 2018

Maybe during sex education classes they should also tell youngsters about the threat of false allegations so they know the risks completely.

Flag

5RecommendReply

Emily Nugent Feb 3, 2018

Saunders needs to go, she is poison.

Flag

3RecommendReply

Smoky Ashton Feb 3, 2018

A young life scarred for ever. A family put through hell. Clearly his former school should issue a full public apology for treating him as guilty without a trial. Clearly the Police and CPS need a public humiliation for their incompetence, some naming and shaming too. Clearly the girl should hang her head in shame and be made public once she's 18. Clearly the young chap deserves considerable compensation to help start his life afresh with plenty of catching up to do.

Flag

12RecommendReply

Global Voter Feb 3, 2018

The girl should be jailed.

Flag

6RecommendReply

Simon Adams Feb 3, 2018

There does seem to be an argument that the people who bring false claims should be prosecuted, or at least named.

Flag

9RecommendReply

AFit Feb 3, 2018

We need to to start a Twitter campaign.

Flag

RecommendReply

Ray Whitehouse Feb 3, 2018

More of these will come out of the woodwork I guess. In this case can someone explain why he was charged with rape as both were aged under 16, or was the girl a lot younger than him? Or at 15 are you no longer classed as a child?

Flag

2RecommendReply

Monners Feb 3, 2018

Another one?

Flag

3RecommendReply

Bill Thomas Feb 3, 2018

Lessons will be learned, no doubt.

Plonkers.

Flag

9RecommendReply

Captain Normal Feb 3, 2018

I wonder how many people have been convicted of a criminal offence due to non disclosure to the defence of "helpful" material which the police had in their possession, and which would have either led to the prosecution being dropped, or to an aquital?

Flag

7RecommendReply

Andy Crofts Feb 3, 2018

It'd be interesting to find out if his school re-admits him, but as he's now 17...Another life destroyed. Presumably missed O-levels (or whatever England calls them nowadays). Good if the Times follows this up.

Flag

13RecommendReply

C J Delmege Feb 3, 2018

So this unfortunate (and unwise) boy was expelled from his school without even a hearing, let alone evidence.

Anonymity is complex but at the very least an accused should be able to continue with his (and it's always "his") life unless there are compelling reasons against.

But of course the girl "has done no wrong...". Saunders must be so proud.

Flag

10RecommendReply

Alan Lee Feb 3, 2018

How many more of these appalling cases?

Flag

10RecommendReply

Paul Thompson Feb 3, 2018

What is happening to these girls that make these false allegations? Are they just allowed to walk free by the same incompetent system?

Meanwhile the police seem very apt at taking people to court for saying "hurtful" things online. I despair!

Flag

8RecommendReply

Lesleycol Feb 3, 2018

Oh for goodness sake how many more?

Flag

8RecommendReply

Emily Nugent Feb 3, 2018

Lord Almighty, Saunders is going after the kids now!

Flag

13RecommendReply

CM Feb 3, 2018

Nasty little girls have been given the power to destroy innocent young lives, and the lives of their families, thanks to stupid, venal police. This has to stop. We have justice or we have slavery. Enough of this nonsense. Heads have to roll. Evil Alison Saunders has to be sacked and so do the colluding police people. And then a judgement has to be made about whether it is in the public interest to bring changes against these evil little girls. Presumably we should make their vexatious charges subject to much more rigour and then we need not be bothered by their nastiness. But they should get a record for this. So we can protect further innocents from their lies and criminality.

Flag

15RecommendReply
Paul Blake Feb 3, 2018

Attention focuses on the police and prosecution not disclosing phone and social media evidence to the defence, awful as this is there is another issue: what would have happened if there was no phone or social media evidence to disclose? Presumably there is a significant chance these people would have been found guilty. The inescapable conclusion is that there are some, maybe many innocent men incarcerated. Perhaps all in our justice system should be continually reminded that the accused is supposed to be innocent until proven guilty.

Flag

10RecommendReply
BB Feb 3, 2018

Another life ruined and no-one knows how many innocent men are languishing in prison during Saunder's witch-hunter general era. What is to be done about it?

Flag

13RecommendReply
Angela Barratt Feb 3, 2018

This is getting to be beyond a joke. How many more men, young men in particular, are going to have their lives ruined because the police and CPS were too slow to find and identify material that cleared them? We no longer have a justice system that is fit for purpose but the complacency of those responsible is staggering. There needs to be an overhaul of processes and procedures, and consideration given to prosecuting those malicious young women who think it's funny to send someone to prison for something he didn't do.

Flag

7RecommendReply
Mrs P Feb 3, 2018

This makes me SO angry. Thank goodness he hadn't turned 18 and had his name broadcast nationally. Even so, his whole life has been disrupted, expelled from school at 15 and living under the shadow of these allegations for over a year. Whoever made the allegations, the police and the CPS should now all be under investigation as to why this innocent young man has had to suffer for so long.

Flag

21RecommendReply
Metlo Feb 4, 2018

@Mrs P And what right has the school got to expel someone because of a baseless allegation.

Flag

1RecommendReply
Saint John Feb 3, 2018

Saying "there is no realistic chance of conviction" when the evidence proves the person is not guilty is outrageous.

The repetition of this accusatory phrase in each of these cases -where the cps have betrayed justice - shows the cps is staffed with very very stupid people.

Flag

16RecommendReply
christien Feb 3, 2018

@Saint John Agree totally. The expression should be 'this person is totally innocent'. Honestly, it would be easier to forgive the spectacular incompetence if they weren't all such cowards.

Flag

6RecommendReply
Robert Williams Feb 3, 2018

@christien @Saint John No jury and no prosecution authority has either the need or the authority to pronounce anyone 'innocent' You can be found guilty of a given crime eg. a particular allegation of theft, or you can not have been convicted of it. Everyone who has not been convicted of it is on the same footing in that respect. There is no standard to which someone must be proved innocent.

A jury but not a prosecution authority has the authority to pronounce someone guilty. A prosecution authority has a duty to proceed against anyone against whom they think they have a greater than 50% chance of gaining a conviction, unless it is not in the public interest to proceed.

They could have said that there was less than a 50% chance of success and thereby justified their decision. They actually said more than that.

Flag

RecommendReply

Metlo Feb 5, 2018

@Robert Williams @christien @Saint John This is the problem. Police are naming and labelling men guilty based on zero evidence. The police must not be allowed to drop a case once they have named someone. They should have to go before a judge and explain their actions, a declaration of innocence should be made and compensation decided.

The police have been given enormous powers and with that should come some responsibility.

Flag

RecommendReply

Graeme Harrison Feb 3, 2018

@Saint John The phrase is repeated because it's the wording of the statutory test that's applied when the CPS makes decisions about bringing, proceeding with, or discontinuing a prosecution. The fact that the CPS knows that but you don't probably indicates the location of the 'very very stupid people' lies outside the CPS.

Flag

1RecommendReply

Saint John Feb 3, 2018

@Graeme Harrison @Saint John

Thats no excuse for implying the accused is guilty but they cannot prove it .

Those words are defamatory at minimum to the innocent.

Flag

5RecommendReply

Robert Williams Feb 3, 2018

@Saint John @Graeme Harrison They cannot be defamatory, because they are true, and nor do they imply that the accused is guilty

Flag

RecommendReply

Saint John Feb 3, 2018

@Robert Williams @Saint John @Graeme Harrison

The words clearly imply the CPS believe the accused guilty- they just cant prove it.

Flag

2RecommendReply

Robert Williams Feb 3, 2018

@Saint John @Robert Williams @Graeme Harrison The accused was charged with things other than rape. He was for instance accused of sexual activity with a child. There is no doubt that he engaged in sexual activity with a person who was 15 years old. s13 of Sexual Offences Act 2003 makes it clear that he has no defence to that charge just because he himself was under 16.

However, s 9 which defines the defence makes it a defence that he reasonably believed that the person was over the age of 16. Evidence from social media eventually emerged which makes it highly unlikely that he is guilty of rape i.e. of performing the act without consent. However if that is so, he will still be guilty of the s 9 offence unless he reasonably believes that the other person is 16. The prosecution must prove that he did not reasonably believe that she was under 16.

The CPS may well have taken the view that although he probably knew that she was under the age of 16, and that he had therefore committed the s 9 offence, they could not prove it to the required standard. The social media evidence did not itself provide him with any defence to that charge, as consent is not relevant to s 9

Flag

RecommendReply
Mrs Ruth Bruce Feb 3, 2018
@Graeme Harrison @Saint John

it's the wording of the statutory test that's applied when the CPS makes decisions about bringing, proceeding with, or discontinuing a prosecution

That is so, but nothing stops the CPS from adding a little to their formula. I suggest:

Since the accused can be shown to be totally innocent, there is no realistic chance of conviction.

In suitable cases they might wish to say as well:
Evidence is therefore being gathered to support a charge of perjury against the person who made the malicious complaint which led to this arrest.

Flag

4RecommendReply
Robert Williams Feb 3, 2018
@Mrs Ruth Bruce @Graeme Harrison @Saint John

Who says that the accused can be shown to be totally innocent? There is no court in which such an issue could be put. It is therefore impossible for the accused to be shown to be totally innocent, and the CPS is not a court.

There will be a great many cases in which no prosecution for perjury can take place because of the effect of s17 of the Perjury Act 1911. This requires that the allegedly false statement must be shown to be false by independent corroboration, and almost always in rape cases that cannot be found.

Flag

RecommendReply
Saint John Feb 3, 2018
@Robert Williams @Mrs Ruth Bruce @Graeme Harrison @Saint John

That that you cannot prove someone innocent does not provide a licence to make statements that imply there may be unproven guilt.

Flag

1RecommendReply
JDM Feb 3, 2018
@Robert Williams Surely the perjurers own words can be used to demonstrate their act of perjury. For example, texts they sent (assuming these exist of course) that show clearly what they said was known to be false

Flag

RecommendReply
Robert Williams Feb 3, 2018
@JDM @Robert Williams No.

If a witness takes the oath and says 'There was an elephant in the room' and later it is thought to charge him with perjury, it is not enough just to have another witness who said in the same trial that 'there was no elephant in the room, even if the judge and jury decide the case on the basis that there was no elephant in the room.

To bring a charge of perjury you need independent corroboration of the fact that there was no elephant in the room. This might be all sorts of different things. e.g. surveyors evidence of the strength of the floorboards, an elephantless photograph of the room at that time with a copy of that days newspaper in it, an independent witness who was in the room at the time etc.

You then need a jury to decide that the first witness must also have known that what they were saying was false when they were on oath.

How do you get corroboration of the allegation that a woman did actually consent? What she said later in some unguarded context does not really help. It is not independent.

Flag

RecommendReply
Agriffindor Feb 3, 2018
What compensation are these young men getting for having their lives ruined? And what punishment is given those the accusers who obviously know the allegations were false?

Flag

10RecommendReply
Bob Carvey Feb 3, 2018
When will everyone accept that the police are only and have only ever been interested in looking for evidence to get a conviction? They have never had any interest in finding out the truth because this is considered ineffective use of time and resources.

Flag

8RecommendReply
John Lynch Feb 3, 2018
How sad that we have now reached a position in Britain where the automatic answer when a police officer (of any rank) speaks is the same as the automatic answer when a politician (of any party) speaks: 'You're a liar.'

Flag

6RecommendReply
NDA Feb 3, 2018
Branded as a rapist and expelled from school at 15 - and now cleared of all charges. The Police have much to answer. Whilst we have little information, has the girl's family played a part in pressing for these charges to be made? I have a son of a similar age and it would be utterly devastating for a family to have these charges made.

Flag

12RecommendReply
JDM Feb 3, 2018
Review of all rape cases - certainly right for those ongoing, but will they be going back to those already concluded with people in jail?

Flag

7RecommendReply
Families Need Fathers Feb 3, 2018
!The 17-year-old boy, who cannot be named for legal reasons, was not guilty"

And had he been 18 his name would be all over the media. Surely both parties should have protection from being named in crimes against the person at least until there is a conviction. It cannot be right that innocent people's lives can be destroyed.

Similarly, there needs to be far more speed in investigating such allegations. The damage done by delays is enormous. If the accused is a parent, in the context of family separation, their relationships with their children can be completely destroyed as a result of delays in investigations or findings of fact by family courts.

Flag

14RecommendReply
A Nother Feb 3, 2018

Can someone associated with the Law please explain what happens to the accuser in these instances. Is there an amount of recompense afforded to the accused?

Flag

8RecommendReply
hbw Feb 3, 2018

If these interactions on social media were originally to or from the accused, why can't they be disclosed to the defence?

Flag

3RecommendReply
Harleys Dad Feb 3, 2018

This is happening too many times to be an error, it's beginning to look endemic in our justice system, guilty until proven innocent.

Flag

12RecommendReply
John Sheard Feb 3, 2018

The Crown Prosecution Service strikes again. Nothing to do with DPP Saunders of course. We are all accustomed to chaos and incompetence in our once admired national institutions ... but not when it can send innocent men to jail.

Flag

5RecommendReply
Keep right on Feb 3, 2018

Surely, it's now time for criminal charges to be laid against the person or persons who falsely accuse innocent people who face having their lives ruined by such lies.

Flag

11RecommendReply
Peter Scarborough Feb 3, 2018

@Keep right on I would prefer charges to be laid against the police officers who did "not discover" the key evidence.

Flag

2RecommendReply
Martin R Feb 3, 2018

How come it is fair to put this lad through this and then when the accuser seems to be lying that they get off without any action against them.

This approach will only increase the risk of further false accusers.

Or is it that it is OK that 10 innocent men go to jail as long as a guilty man goes to jail?

Or even the very accusation if they don't go to jail ruins their lives.

Flag

10RecommendReply

Andrew Middlemiss Feb 3, 2018

“The boy was cleared after the defence found 233 pages of Facebook messages that proved his relationship with the girl of the same age was consensual.”

In fairness to the police and CPS, at which point did the teenager say to the police, and to the defence, “why don’t you look on Facebook?”” she /we/I have been

Just wondering

Flag

2RecommendReply

Gerry Westerby Feb 3, 2018

They should rip them to shreds in a class action against the CPS.

Flag

7RecommendReply

Reginald Albion Feb 3, 2018

I am just so annoyed this morning that so many women have argued for so long that evil was the monopoly of men. Due process returning, slowly, but let us learn the lesson.

Flag

9RecommendReply

Harboro Feb 3, 2018

The boys life has been ruined, and there appears to be no sanction for those responsible. Given the number of similar cases, perhaps a public shaming of those responsible would ensure that future cases are handled with more care.

Flag

11RecommendReply

Mrs Ruth Bruce Feb 3, 2018

Not again!

The defence found the messages in October and say they passed them on to the prosecution then. The CPS claimed that they did not receive them until November. The girl was reinterviewed then and the case was reviewed.

However, the CPS notified Leicester crown court in December that it would be pushing on with the case.

Could there be a clearer example of an innocent citizen being fitted up by the CPS in an attempt to boost conviction numbers regardless of the facts?

Flag

16RecommendReply

Alan Hawkes Feb 3, 2018

Does the CPS need people appointed to take on a ‘devil’s advocate’ role: a Crown Defence Service?

Flag

7RecommendReply

Richard Griffiths Feb 3, 2018

And will the female involved be investigated. Probably not. Anti-female bias has been replaced with anti-male bias. Put the blindfold back on justice.

Flag

32RecommendReply

Lerxst Feb 3, 2018

This young man has lost 2 years of his life - perhaps 2 of the most critical years as well. He was expelled from school and had the threat of prosecution hanging over him for all of that time. Rape is a terrible crime but the current wave of bungled prosecutions, coupled with the arrogance of the DPP in claiming that nobody was in prison who shouldn’t be, has done a great disservice to victims of

rape as well as to those falsely accused. It's clearly time that Alison Saunders moved onto something new although it may be better for a judge to lead an inquiry into the disclosure failures to happen before she goes so that a new DPP has a clear run at putting things right.

Flag

42RecommendReply

Kentish Kate Feb 3, 2018

@Lerxst The only good thing is that his name has not been blasted all over the press and media.

Flag

1RecommendReply

Julia MARTIN Feb 3, 2018

The police simply do not look, do not care and send part information to the CPS, just the bits that fitthese are real people's lives.

At what point will a PC, DC or DS somewhere be held accountable for not investigating, mistakes were made, we have carried out an internal investigation, learnt lessons, is all we will hear from yet another force.

In any other job if you mess up, you are disciplined, get retrained, and if you mess up again you are sacked. If a doctor makes a mistake which ruins someone life, he would face disciplinary action....lives are being ruined and somehow nobody is responsible.

Please can a Police and Crime Commissioner somewhere have the guts to admit things are wrong and actually do something. If there is no accountability for doing things wrong this will not change.

Also if there are no consequences for teenage girls who make these things up, they will continue to do this. I do hope the papers follow up all these cases to see if any of these girls get charged.

Flag

37RecommendReply

Ian Burgess Feb 3, 2018

And the effects on the young man? Expelled from school - how does that get expunged? Is the girl being investigated for wasting Police time? The young chap should sue both her and the (incompetent) Police.

Flag

27RecommendReply

Metlo Feb 4, 2018

@Ian Burgess Why is Alison Sauders still in a job, the police not held responsible and the women making these false claims prosecuted.

Flag

RecommendReply

Ricky Freeman Feb 3, 2018

Those who have set conviction targets, or whom have given incentives to achieve convictions regardless of guilt, should be sacked. No payment for failure.

Flag

29RecommendReply

Andrew Lee Feb 3, 2018

One common thread of these cases appears to be that the police lack the resources to examine large amounts of social media data. They then tell the defence that nothing relevant exists, when they couldn't possibly know this. The defence has a hell of a job then getting access to this data, which is often resisted by the CPS (and the courts). In those cases where the defence gets a chance to review the data they do not get paid for the task.

The system is not fit for purpose. The blame lies totally with the government.

Flag

18RecommendReply

Avicenna Feb 3, 2018

Be more specific, with man hater Alison Saunders who makes the British National Party hatred of blacks look mild by comparison to her deep bias.

Flag

1RecommendReply

AJCG Feb 3, 2018

@Andrew Lee They lack competence. They are undereducated and (probably) underpaid if you want motivated, clever people.

Flag

RecommendReply

Compos Mentis Feb 3, 2018

When are we going to start bringing prosecutions against women - and any men - who knowingly bring false rape / sexual assault claims? He has been severely abused emotionally, his education and his reputation destroyed, maliciously.

Lets have equality - for all, men and women!

Flag

66RecommendReply

thebeancounter Feb 3, 2018

If nothing else, to warn men to stay away from these liars.

Flag

1RecommendReply

Shooter Feb 3, 2018

Another one ! how many previously convicted were in fact innocent, will we ever know ?

Flag

20RecommendReply

JohnJoe Feb 3, 2018

will stories of these cases ever end? What on earth is happening in the CPS?

Flag

17RecommendReply

Hq118bb Feb 3, 2018

The CPS is woefully under-resourced and battles to keep on top of a huge workload - as are the Court Service and Legal aid in general. No, I am not a solicitor or barrister, I just keep my eyes and ears open to what is happening in the real world. Until funding issues are addressed by the government there will continue to be appalling stories such as this.

Flag

RecommendReply

Saint John Feb 3, 2018

@Hq118bb

If they cant do it properly dont do it at all. Its not OK to convict the innocent because you are short of resources.

Flag

4RecommendReply

ModCon Feb 3, 2018

It is time that those who claim rape falsely must be prosecuted for perverting the course of justice.

Flag

60RecommendReply

Michael Jones Feb 3, 2018

And for those withholding and not disclosing evidence.

Flag

3RecommendReply

John Austin Feb 3, 2018

So an innocent kid was expelled from school and had his teenage years and education wrecked.

Nice going, inspector plod.

The prosecution system plainly isn't working.

Flag

53RecommendReply

Soysauce Feb 3, 2018

This is what happens when you put someone in charge based on their sex rather than on their merit...

Flag

36RecommendReply

SixG Feb 3, 2018

"He was expelled from school after his arrest by Leicestershire police"

Dreadful. Immediately punished before even coming anywhere near to trial. We've lost our sense of fairness, justice and decency.

Flag

90RecommendReply

mick Feb 3, 2018

And it goes on.

Flag

14RecommendReply

David Craig Feb 3, 2018

When will the bungling, targets-obsessed Alison Saunders be fired? Oh, sorry, she's a progressive liberal member of the elites. People like her never get fired however incompetent they are.

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Peter Hurley Feb 3, 2018

@David Craig However, I think she'll be moved on soon. Probably to an equally well paying position on a quango, with a Damehood thrown in such that her feelings are not hurt.

Isn't this always the way the Senior Civil incompetents are retired???

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Soysauce Feb 3, 2018

@David Craig No she will be transferred or offered another job with a £500k pay rise...

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A Gupta Feb 3, 2018

@David Craig While I agree that Alison Saunders should have resigned long ago as the string of errors of omissions and commissions are far too many for any self respecting professional (if not made to resign) but the phrase of "progressive liberal" smells or more of an instance of using this context to beat liberals.

Can I ask, what makes you think she is "liberal"? She was appointed by this government so that is one fact definitely not in keeping with her "liberal" credentials.

With Trump, May and Reese-Mogg getting a beating for their "conservative" approach, this is a fairly cheap shot at liberals to label any incompetent public servant as one.

I am not either so would not mind if this "liberal" tag is based on facts.

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Metlo Feb 4, 2018
@A Gupta @David Craig If the cap fits.

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Tim Feb 3, 2018

Another one. How many more?

The other day I found a note to myself in my diary from 5 years ago, expressing some personal concern at the “believe the victim” trend and its apparent unconcern for the fundamental principle of innocence until proven guilty. And here we are.

These poor boys.

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rue de remarques Feb 3, 2018

There is confirmation bias- and then there is plain incompetence. Sounds like this falls in the second category. Someone is clearly not doing their job -

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thebeancounter Feb 3, 2018

Not incompetence, Rue. Gross Misconduct.

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Jack Jones Feb 3, 2018

The attention has all been on failure of disclosure with these cases (HOW many have there been now?!)

-

But there is another issue that seems to have been overlooked: namely just how common false accusations seem to be. The official police line that false allegations are “vanishingly rare” is starting to look very doubtful.

-

I’ve always wondered how they can be so sure of that anyway. That claim implies almost everyone acquitted of rape is actually guilty. How can they know that? What do they believe they know that the juries don’t?

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Christopher Hume Feb 3, 2018

@Jack Jones. True. On QT on Thursday there was a ‘group think’ approach which staggered me. When an audience member asked the reasonable question as to whether false accusers should be named, both panel and audience members seemed to get together and say that false accusation is so rare as to be unworthy of debate, and in any case they shouldn’t be named even when they do. John Mann (I like him most of the time) rambled on about child abuse which had nothing to do with the question, and others regurgitated unsubstantiated nonsense about vast numbers of ‘unreported rapes’. How can you know something like that? If it’s unreported it is by definition unknown. Therein lies your problem though. Heads in sand, illogical reaction because it runs against the prevailing thinking and cultural mindset.

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Families Need Fathers Feb 3, 2018

@Jack Jones

False allegations are rife in family disputes (50,000 applications a year in the UK). Sir James Munby, The President of the Family Division, said

"One of the greatest vices of the system... is the unfounded allegation [of violence/abuse] which festers around and poisons the process."

(see: <https://fnf.org.uk/news-events-2/press-releases/150-press-releases-2017-archive/430-press-release-pfd-aug-2017> and <https://fnf.org.uk/news-events-2/press-releases/150-press-releases-2017-archive/432-press-release-false-alleg-sep-2018>).

Such as there is suggests that thousands of people are affected by this each year. Victims of such allegations need protecting and deserve to be supported with great sensitivity. So should those who are falsely accused as, in those cases, they are the real victims - so are the children who lose out on a parent as a result.

There needs to be some consequence or deterrent to those who game the system in such a horrendous way in family disputes or, as in this case, in criminal matters, where it is clearly determined that they were false and malicious.

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Maxwell Feb 3, 2018

Shameful. This cannot pass without effecting a change in the funding of the criminal justice system. There must be repercussions.

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Richard Cornish Feb 3, 2018

Meanwhile, he was expelled from school when he was 15 - at an age when just coming up to important examinations.

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Martin R Feb 3, 2018

@Richard Cornish Yes his future ruined. But thats OK as it is a male impacted it seems and other than the Judge and the prosecution (and the Times) no-one doing anything about it

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Angela Barratt Feb 3, 2018

@Richard Cornish

That thought occurred to me too. Hopefully he was able to continue his studies elsewhere, although the trauma of being the subject of a police investigation, with the threat of court appearances and possible imprisonment, would have hindered his emotional development. Shameful, really shameful.

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Clumsier Feb 3, 2018

@Richard Cornish Stuff the exams - what effect has this had on him and his future as a man? Trust in the police, and even more, females.

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Neil Barrett Feb 3, 2018

@Richard Cornish In a message published earlier this week, a young woman bragged how she was going to make long-term life hell for the boy who refused to continue a relationship with her. She has had no consequences, not even the removal of the significant compensation she received after her false allegation.

The system is broken and needs fixing, quickly.

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*Ref.: Missed messages clear boy, aged 17, of rape.docx
26/04/2018 10:01*