

Two-year rape case against student Oliver Mears dropped by CPS

<https://www.thetimes.co.uk/article/two-year-rape-case-against-student-oliver-mears-dropped-by-cps-x7wr6cb9c>

David Brown, Chief News Correspondent

January 19 2018, 12:00pm, The Times



Oliver Mears was accused of rape and indecent assault
INS NEWS

A judge criticised police and prosecutors today over the case of an Oxford student who spent two years on bail accused of rape before the case was dropped.

The case against Oliver Mears collapsed after police handed over evidence days before his trial, a court heard today.

The 19-year-old was found not guilty today after the prosecution admitted that the new material was not “helpful” to them in the “finely balanced case”. A judge criticised police and prosecutors for delays in the investigation and the last-minute decision to drop the case.

It is the latest in a series of sexual offences cases to collapse after problems with police handing over evidence were highlighted last month when Liam Allan, 22, was cleared of rape after it emerged that detectives had messages proving that the woman who accused him of rape had lied.

Mr Mears, from Horley in Surrey, was due to stand trial on Monday accused of raping a woman at a party in 2015. He was arrested on suspicion of rape and indecent assault in January 2016, but a police file was not sent to prosecutors until May last year. He was charged the following month.

Prosecutors said they had decided to drop the case after detectives finally handed over details of a digital devices they had seized, believed to include mobile phones, a diary and details of the complainant's medical history.

The Crown Prosecution Service (CPS) wrote to Judge Jonathan Black asking that he formally record not guilty verdicts "administratively" yesterday without the need for a hearing.

He ordered a prosecutor to attend Guildford crown court to explain in public why the case was being dropped after Mr Mears had spent so long on bail.

Sarah Lindop, for the prosecution, told the judge: "The prosecution has an ongoing duty to review and have done that.

"This case is old and it was quite old when it came in to the hands of the CPS and I do not know the reason for that. Further material was obtained and was reviewed in a case that was finely balanced.

"In the light of the new material the prosecution felt there was no longer a realistic prospect of conviction."

She said that the decision had been taken at "a number of different levels" after a review of new evidence, some of which was only handed over by police last week.

"The view reached by all the parties was that this is a matter which was finely balanced and the . . . new material tips the balance.

"There was some disclosure matters but this was not a disclosure case."

Ms Lindop said she was aware that the police had handed over "material that was not of assistance to the prosecution" and that although extracts of a diary had been disclosed, Mr Mears' defence had asked in October last year for a full copy.

Judge Black formally recorded a not guilty verdict, saying: "It seems that if this was a case that was as finely balanced as you say it was there has been unnecessary delays in investigating, [and] what seems to be a completely unnecessary last-minute decision.

"Oliver Mears and the complainant have had this matter hanging over their heads for more than two years in circumstances that, if their investigation had been carried out properly in the first place, we would not been in this position."

He ordered the head of the CPS's rape and serious sexual offences unit in Surrey to write to him within 28 days about "what went wrong" before he decided what action to take at a senior level in the organisation or the police.

Mr Mears, a chemistry student, left St Hugh's College because of stress but a friend said he would try to "rebuild his life" after being cleared of rape.

A Surrey police spokeswoman said that prosecutors had decided to discontinue the trial "for a number of reasons".

"Following this decision we are undertaking an internal review of our investigation and we will continue to liaise with the CPS," she said.

A CPS spokesman said: “We keep all cases under continual review. Following a review of this case, prosecutors were not satisfied there was a realistic prospect of conviction as the evidential test set out in the Code for Crown Prosecutors was not met. We therefore decided to offer no evidence.”

Alison Saunders, the director of public prosecutions, was criticised yesterday after saying that innocent people were not in jail despite admitting “systemic issues” in disclosing evidence.

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tonycambridge Jan 24, 2018

He, and others like him, should have the right to sue his accuser for what she has done to his life.

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RecommendReply

John OConnor Jan 19, 2018

There are so many cases of injustice in these countries where police get "their man" and are happy to believe fake evidence and hold a young man on bail for two years, That is a sentence and he should be compensated for the hurt, the false accusation and his torture of two years.

Flag

8RecommendReply

Paul Brindley Jan 19, 2018

I am not sure the young man should have a 'not guilty' verdict recorded against his name as the CPS withdrew the case before a court hearing. He should have all records of any charges removed as there clearly wasn't a case to answer.

There is something wrong with the system when the accused is named, the accuser is not, as Mr Mears will forever have this against his name in the public domain - neither accused or accuser should be named in public until any court sessions are finished. The accused is innocent until proven guilty and so should not have their name dragged through the mud unless they are found guilty.

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9RecommendReply

John OConnor Jan 19, 2018

@Paul Brindley His name should be scrubbed from all records. But the accusers are not capable of doing anything decent so this lad will suffer the guilt of being wrongly accused, it will be a daemon on his shoulder forever.

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1RecommendReply

CM Jan 19, 2018

We need to start prosecuting and banging up both the accusers and the police officers and cps people who are colluding to destroy our decent, innocent young men. As that will never happen, because, unlike Carillion, the public sector never gets exposed, I suggest all jurors assume innocence in all rape cases unless there is very strong evidence that the woman didn't know the man or there is evidence of actual violence - in photographs and medical testimony. If it's just his word against hers and some kind of drunken flirting situation and there is no other evidence then don't convict. This whole rotten public sector PC hijacking of justice needs to be ripped apart. In the meantime, we the people can protect our young men via our juries. We can beat the concentrated, totalitarian evil of Saunders and her ilk.

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9RecommendReply

jem Jan 19, 2018

there doesn't seem to be a single voice of support for naming the accused. since it potentially brings other victims forward, it's not all bad. possibly bigger issues, to my mind, are (a) it shouldn't be a case of evidence showing the complainant lied; the accused shouldn't be charged (and named) unless there is strong evidence showing she is telling the truth; (b) the whole concept of needing more convictions is wrongheaded. we need more convictions of those who the evidence shows are guilty. rape is notoriously difficult to try where it is simply one person's word against another's, because there will always be reasonable doubt. complainants should always be taken seriously, but the idea that they should be believed is wrong. both parties are entitled to be believed.

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3RecommendReply

Stephen Dunne Jan 19, 2018

And the "victim"? Will she be prosecuted? Of course not!

Flag

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Frank Sutton Jan 19, 2018

Two years! Why such a stretch between charge made and (in this case abandoned) trial. Will any of these innocent men be compensated for having their lives blighted over a long period?

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6RecommendReply

John OConnor Jan 19, 2018

@Frank Sutton It is injustice to do that to anyone. On bail for two years. Justice delayed is justice denied.

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3RecommendReply

Andrew Cole Jan 19, 2018

The change in the burden of proof, so the male had to prove consent, was a cross party decision and demonstrates that worthless politically correct vermin have not just gnawed into the justice institutions (CPS, police etc) but prior to that, into all major parties participating in our political system. The needs to be an ideological revolution to challenge political correctness (and its evil twin, cultural relativism) and undo its damage. Those who voted in the change in the law concerning rape should be held as responsible as those who have championed these rules.

Flag

8RecommendReply

John OConnor Jan 19, 2018

Many have already said in their comments "I wonder how many innocent men are in jail because of miscarriages of justice?"

We may never know. But one thing is certain: the police are members of a self-protecting system where wrongdoing is rarely admitted and when it is, it's after lives have been ruined.

Flag

8RecommendReply

Cliff Matthews Jan 19, 2018

@John Lonnie and often after key players have retired.

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3RecommendReply

John OConnor Jan 19, 2018

@Cliff Matthews So true, and with comfortable pensions too.

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Michael Dawlish Jan 19, 2018

These cases are damaging not only to people found to be unfairly charged, but also to future cases going to court. Jurors are bound to be concerned as to whether there has been full disclosure of the known evidence.

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7RecommendReply

Frontman49 Jan 19, 2018

Another broken system

Flag

9RecommendReply

Martin R Jan 19, 2018

Wow go judge.

Deciding what action to take on the CPS / police rather than just follow admin work and recording a not guilty.

Finally someone standing up for men in these cases. A long time coming.

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24RecommendReply

john mitchell Jan 19, 2018

how many more of these are out there? insane. Change the law. NOW.

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17RecommendReply

RobS Jan 19, 2018

I would be interested to find out how many cases of false accusations the police have had to deal with vs how many prosecutions are brought for wasting police time, etc. As someone who has been through a similar ordeal I can say from experience that there is a consensus among police for not perusing the accusers as quite often they are deemed as vulnerable i.e. with a range of mental health issues. But where does that leave us accused who sit on bail for years?

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22RecommendReply

Vicious Hippo Jan 19, 2018

@RobS Evil men are "dangerous", evil women are "vulnerable".

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PB Joyce Jan 20, 2018

@RobS The head of the sexual offences unit for the Greater Manchester police district admitted a couple of years ago that his district's policy was never to prosecute false accusers because they all have "some sort of vulnerability". This means that he simply decided to ignore a law enacted by legislators for whom citizens have voted.

Flag

1RecommendReply

Cliff Matthews Jan 21, 2018

@PB Joyce @RobS This vulnerability may of course be very real and women with some history of vulnerability or mental health problems should not be pursued further on the understanding that some kind of counselling should be undertaken. But there should be no leeway for those who of sound mind make unfounded malicious allegations.

Flag

RecommendReply

Peter Iden Jan 21, 2018

@RobS The police are aware of woman who make false allegations. They even have a nickname for the ones who make serial allegations, they call them frequent flyers. Yet for some reason, they must be believed.

Flag

RecommendReply

Thecaveartist Jan 19, 2018

Feminjustice again....finely balanced doesn't even come near beyond reasonable doubt. Another promising young man's life ruined. When is Saunders going to be fired? A parody of a highly politicised justice system. On a par with the Soviet Union.

Flag

35RecommendReply

Eileen McAndrew Jan 19, 2018

It is not acceptable that this young man should have his life blighted in this way because the police failed to hand over evidence. If I were him, I would be suing. This will hang over him for the rest of his life. A lot of countries and organisations demand to know if you have ever been charged with a criminal offence. The fact that he has been acquitted will not stop some countries refusing him immigration status.

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17RecommendReply

Ian Lumsden Jan 19, 2018

It seems that once again our police service have shown themselves to be incompetent at the very least. I fully anticipate some speedy retirements on full pensions. That seems to be the way of things.

Flag

14RecommendReply

Londonderry Lad Jan 19, 2018

@Ian Lumsden What are you talking about? Our police service is magnificent but it is overwhelmed by the sheer volume of cases (up 80% in the last decade with senior officers assigning new cases based on whichever detective is least tearful from overwork from exhaustion from their 30 cases that day) whilst police budgets are slashed. Something has to give!

Flag

2RecommendReply

Martin R Jan 19, 2018

The right to a fair trial is not 'something that has to give though. Maybe a better approach is to ensure that only genuine cases happen.

Flag

6RecommendReply

John OConnor Jan 19, 2018

@Londonderry Lad @Ian Lumsden *"Something has to give!"*

But that should never be justice.

There are many cases where justice was not delivered in times when resources were not a problem.

Flag

6RecommendReply

Ian Lumsden Jan 19, 2018

@Londonderry Lad @Ian Lumsden I accept the police service is hard pressed but this does not excuse almost criminally negligent work practices. When files lay unattended for month after month and then the authorities are informed there is no relevant material, when there patently is, then something is amiss. Too much time is spent on investigations that are deemed expedient at a given time. In this and other recent cases the police service has been shown to be a good deal less than "magnificent". It may be poor leadership, it may be an unintelligent work force, it may be arrogance, it is to an extent cuts, but something is wrong with the police. And I say this as someone from a family of long-serving members of the police service.

Flag

8RecommendReply

Cliff Matthews Jan 19, 2018

I'm pleased to hear that the police service where you live are magnificent. May they always be free of incompetence, stupidity, prejudice and criminal behaviour. And for the rest of us let us hope that one day our police achieve the same high standards.

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4RecommendReply

Merrypeterpan Jan 19, 2018

@Londonderry Lad @Ian Lumsden In this and other recent cases it's been the defendant who has been giving his mental health and life chances.

Flag

2RecommendReply

Keith6646 Jan 19, 2018

@Ian Lumsden Not unless they are threatened with disciplinary action, in which case the application for retirement on medical grounds will be there before the ink is dry.

Flag

6RecommendReply

Londonderry Lad Jan 19, 2018

@Keith6646 @Ian Lumsden Yes, because police work burns people out, it is one of the number one careers in the world for stress related illnesses. We must allow the police, military, doctors and others who have to make constant, life and death decisions with incomplete info the benefit of the doubt.

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1RecommendReply

Peter Iden Jan 21, 2018

@Londonderry Lad @Keith6646 @Ian Lumsden Its pretty simple, if you have no evidence don't name or charge someone.

Flag

RecommendReply

Saint John Jan 19, 2018

Barristers only review cases very shortly before they come to court. And it they that spot the gaps in the evidence.

The European system of examining magistrates and judges maybe could teach us something here.

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13RecommendReply

Saint John Jan 19, 2018

It is utter nonsense that the prosecution decide what they give to the defence. They are hopelessly conflicted.

They have a boss demanding convictions- why would they help the defence ?

Flag

13RecommendReply

Ze Mole Jan 19, 2018

@Saint John They have to give everything, even if it damages their case. That is the law and anyone not doing so is committing an offence.

Flag

5RecommendReply

Saint John Jan 19, 2018

@Ze Mole @Saint John

That is not what the Times reports. In the previous case the defence asked for the phone records and were not given them. It was only when a new more senior barrister on the day of the trial was appointed to the prosecution that he insisted they be handed over because he thought they did contain vital evidence of the mans innocence.

defences are routinely not given evidence.

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4RecommendReply

Ze Mole Jan 20, 2018

They are legally obligated to disclose. Whether they do or not is another matter. Where there is a failure to disclose, those persons must be fully held to account.

Flag

RecommendReply

Wanderer Jan 19, 2018

They don't! They say the evidence hasn't been seen or never existed. How convenient when cameras 'weren't recording' etc. Defence solicitors and barristers are wary of challenging things as they know more dirty tricks will follow or the judge takes a dim view of this type of question being raised.

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1RecommendReply

Martin R Jan 19, 2018

How many convictions i wonder happen.

Also how much effort is made to obtain information if likely to damage the prosecution

Flag

3RecommendReply

Martin R Jan 19, 2018

How many innocent men are in jail falsely accused of rape?

24RecommendReply
C J Delmege Jan 19, 2018
@Martin R None! If you believe in Alison Saunders and the Tooth Fairy.

Flag

8RecommendReply
Pirate Jan 19, 2018
If this was a murder case and the CPS were unable to make their case would that mean the victim wasn't murdered? People seem to be unable to see the distinction between unable to prosecute and "woman lied". It is notoriously difficult to prove a rape case and many don't make it to court full stop. Look at the Worboys case, a hundred women who the CPS didn't think they had a strong enough case for despite him being a known rapist. Why don't we afford the victim the same "innocent until proven guilty" that we afford alleged rapists?

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3RecommendReply
Saint John Jan 19, 2018
@Pirate
Because she isnt on trial and wont go to jail.

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10RecommendReply
Adrian Bagnall Jan 19, 2018
@Saint John @Pirate But if she has made a false accusation, shouldn't she be named, shamed and prosecuted?

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12RecommendReply
Peter Iden Jan 20, 2018
@Saint John @Pirate why not.

Flag

RecommendReply
Saint John Jan 20, 2018
Because to open a fresh file of a false accusation doesn't fit the Alison Saunders policy

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RecommendReply
lancsmarsbar Jan 19, 2018
@Pirate The correct name for 'the victim' where there is no conviction of the alleged attacker is 'the complainant'.

Flag

16RecommendReply
C J Delmege Jan 19, 2018
@Pirate I take it you mean "the accused".

Flag

1RecommendReply
Arcane Solutions Jan 19, 2018
It was because the case was finely balanced that the police and CPS held back evidence. The police officers involved should be fired and the lawyers should be struck off. Instead it's business as usual.

Flag

18RecommendReply
Londonderry Lad Jan 19, 2018

Flag

@Arcane Solutions Of course it is, we have to give the police and CPS the benefit of the doubt because we expect them to operate under extraordinary conditions and make decisions everyone else is too cowardly to make.

Flag

1RecommendReply

Cliff Matthews Jan 19, 2018

A statement that everyone else is "too cowardly" is somewhat strange in this context. This is not a matter of "bravery" but competence.

Flag

3RecommendReply

D Grant Jan 19, 2018

Let's hope the Times can retrain the sub-editor of this garbled piece of reporting. Quite dreadful.

Flag

9RecommendReply

Londonderry Lad Jan 19, 2018

@D Grant Yes, for a Times article it was poorly written

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2RecommendReply

Moses Asher Jan 19, 2018

False accusations for crimes as serious as this, should result in a prison sentence that matches the length of time the real victim suffered under his own accusation.

Flag

17RecommendReply

A Firswell Jan 19, 2018

And the woman?

Flag

7RecommendReply

high-torque wrap Jan 19, 2018

Disgraceful, slapdash, lack of attention to detail.band that's just the proof-reader of this article.

3 times "evidence is finally balanced" instead of "finely balanced".

"...details of a digital devices they had seized"

"...further material was obtained and the was reviewed"

"...and if there investigation had been carried out"

"...we would not been in this position"

Flag

15RecommendReply

Keith6646 Jan 19, 2018

@high-torque wrap You are reading The Times on line, what else did you expect? Several have commented previously that if you read the online version it is perfectly acceptable to murder the Queen's English because haste, at the expense of accuracy, is the way of online publishing. I disagree with them as well as you!!

Flag

1RecommendReply

Anip Jan 19, 2018

Seriously - this boy was 17 at the time of the alleged offence. How the hell do the police and the CPS sleep at night leaving a wrongly accused child to languish like that while they sit on evidence and files?

My heart goes out to this boy and his family - and I hope everything possible is done to help him get his life back on track.

Alison Saunders - if you have any self- respect left - RESIGN

Flag

40RecommendReply

Londonderry Lad Jan 19, 2018

@Anip How would they live with themselves if they let a loathsome rapist go free and deny a victim justice? They don't sit on anything, they're overwhelmed by the sheer volume of reports, the system is sinking under its' own weight.

Flag

2RecommendReply

C J Delmege Jan 19, 2018

@Londonderry Lad @Anip They could have complied with the defence request back in October for the release of the required information. If the system is sinking it is under the weight of incompetence, sloth, and political misdirection.

Flag

6RecommendReply

Cliff Matthews Jan 19, 2018

I don't see evidence for that when the police have time to chase dead people. In this case "new material" came to light after 2 years meaning that the first people reviewing the evidence were less than thorough.

Flag

3RecommendReply

Alan Simpson Jan 19, 2018

@Londonderry Lad @Anip Good point. I'm also a Londonderry lad but I use my real name. There surely can't be two Londonderry lads who read The Times.

Flag

1RecommendReply

lancsmarsbar Jan 19, 2018

When you get judges publicly criticising the CPS you know you've got real problems, and I don't think Ms.Saunders is the one to sort them out, given that some of them are of her own making.

Flag

22RecommendReply

Corps Diplomatique Jan 19, 2018

The term 'finally balanced' is used several times in this shoddy piece.

I presume it should be 'finely balanced'?

where are all the sub-editors today?

Flag

11RecommendReply

Keith6646 Jan 19, 2018

@Corps Diplomatique Wot subb editers???

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2RecommendReply

Observer20 Jan 19, 2018

How can you admit that there are systemic issues in non-disclosure of evidence and at the same time say there are no innocent people in prison because of the same systemic issues? Has there been a sudden secret independent review of all evidence based convictions of current inmates?

And it is high time that if someone makes these kind of destructive accusations and evidence shows their statements to be false they should be promptly named and prosecuted for attempting to pervert the course of justice. Perhaps if they also promptly prosecuted a few police officers guilty of

wilfully withholding evidence they know weakens their case for the same offence we might suddenly see a good deal less of it.

Flag

15RecommendReply

Lucy's dad Jan 19, 2018

Maybe it's time for these police officers and prosecutors should be charged with 'conspiracy to pervert the course of justice and mis-conduct in public office?

Flag

36RecommendReply

Mr John Broom Jan 19, 2018

@Lucy's dad It's very sad and worrying that we should be thinking such things.
But.....yes !

Flag

15RecommendReply

Keith6646 Jan 19, 2018

@Mr John Broom @Lucy's dad I would not be just sad if those people were doing it with malice, that would be a total travesty of the justice system.....food for thought?

Flag

1RecommendReply

Doug Bates Jan 19, 2018

@Lucy's dad That, and cases where accusers have clearly lied be prosecuted.

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16RecommendReply

Londonderry Lad Jan 19, 2018

@Lucy's dad But they don't conspire, they just have no time to do what is necessary.

Flag

1RecommendReply

Lucy's dad Jan 19, 2018

@Londonderry Lad @Lucy's dad In this case 2 YEARS ON BAIL.

Flag

5RecommendReply

Peter Dawe Jan 19, 2018

As usual, there have been numerous references in these columns to the principle of "innocent until proved guilty." That so many lives have been ruined by false or malicious charges would seem to indicate that not enough people actually believe in the principle. Rather, the "no smoke without fire" brigade seem to be much more numerous. One only needs to see the photographs of people banging on the sides of police vans taking accused to court for their first appearance (not even yet having entered a plea) to realise that the public is badly conflicted by its lip-service to the principle of innocent until guilty and its inability to retain the necessary open-mindedness.

None of this is any excuse for the shockingly ideological approach of Alison Saaunders and others in senior positions in the justice system, but the rest of us might do well to review our knee-jerk reaction to the news that somebody has been charged with an offence. There are also implications for the jury system.

Flag

16RecommendReply

Wanderer Jan 19, 2018

The police & CPS etc. have acquired too much power, too many secret processes & political agendas. The courts are complicit as they perpetuate the game. Judges may have great tomes of procedures but don't provide a fair, cost effective and transparent service. They may have their hands tied by guidelines but these issues go way beyond their rulebooks to the functions of the law. It's not just the law itself, Government bodies are trained to game the system through flawed and untrue

reports, all the time secrecy and unaccountability ever present. They misuse the law through procedures mapped out to achieve the required 'result' regardless of the truth or opposing viewpoint and through the manipulation of people and creation of events to their own ends.

There are more appropriate ways of handling issues than this fake world of adversarial games. It may line the pockets and boost the egos of a few but it destroys families, lives, bankrupts many but of course it needs the next generation of 'clients' to justify its existence. It is not acceptable for the law to engage with people's problems, and then spit them out to rely on charities for ineffective support with no route or financial support for redress.

Its time to end the law's requirement of unquestioned loyalty. Hold the entire chain of command, policy makers and politicians to account. Challenge the creation of new legislation and restore the role of individual conscience.

Perhaps a vote by those not employed, trained or connected to the law (including immediate family), would help focus the minds of those hiding in the labyrinths.

Flag

6RecommendReply

RGT Jan 19, 2018

@Wanderer Er, have you considered that it was the Judge who hauled the CPS into court to explain their, apparent, incompetence. I seem to recall that the same criticism of the CPS was levelled by the Judge in the Liam Allen case. I agree that in both cases the Judges were being "unfair" - and thank goodness our Judiciary are free to be so.

Your last sentence is surely superfluous. Our laws and to a large degree the operational processes of our legal system are set by Parliament - a body the members of which come from disparate backgrounds and who are elected by the 'people' - precisely the body which you propose. A very sensible suggestion but a few hundred years too late.

Flag

1RecommendReply

Wanderer Jan 19, 2018

Indeed the judges have called the CPS to account in these cases but many others have slipped through and perhaps there is a change underway. It is well known that police distort their statements and evidence and indeed are trained to do so. This is particularly the case where a number of officers are involved and they align their stories. I believe it's only where the police have used firearms that are officers separated to make statements.

I don't think my last statement is superfluous. My point is to give those without dependency or connection to the law influence over it. Parliament and the Government of the day have their own agendas.

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2RecommendReply

Keith6646 Jan 19, 2018

@Wanderer How would you suggest we "watch the watchers"?

Flag

RecommendReply

Cliff Matthews Jan 19, 2018

@Keith6646 @Wanderer if it helps I can volunteer to help you watch the watchers who watch the watchers. Eventually we will build a pyramid of watchers with no-one engaged in criminal behaviour. Problem solved.

Flag

1RecommendReply

Paul Mason Jan 19, 2018

One has to wonder what the purpose of our judicial system is - at the present time, often long before anyone appears in court, details of the accused in cases are well-known and well-exposed to the full glare of universal public attention through global media.

Even our much-loved BBC cannot resist a good story - I am reminded of how false accusations against Cliff Richard - with collusion from our less-well-loved Police service - precipitated an absolutely disgraceful 'breaking news' real-time televised feature of their search of his home.

In this present case - one of a stack that is now accumulating - another young man's promising career has been destroyed.

He is totally innocent - the prosecuting lawyers say so.

This is already a gross miscarriage of justice - a gross wrong done to this man by the state!

Flag

23RecommendReply

Keith6646 Jan 19, 2018

@Paul Mason and how is this young man, or any other, to be recompensed for the State's incompetence, do a few £'s - if ever any are awarded - adequately compensate for his suffering at the hands of official incompetence, or should he simply put it down to experience ?????

Flag

3RecommendReply

Families Need Fathers Jan 19, 2018

@Keith6646 @Paul Mason Short of locking himself away forever it's difficult to see what he gains by the 'experience'. Perhaps some kind of compensation would sharpen the professionalism of professionals, create a more sensitive justice system and result in fewer instances such as this?

Flag

2RecommendReply

Krunger Jan 19, 2018

If Saunders resigns over these miscarriages of justice it will make all rape cases under her watch unsafe so there will have to be dozens of retrials that will clog up the legal system.

So, Saunders wont be allowed to resign - they will wait for things to cool down and transfer her by a sideways move to an equally senior but lower profile post.

It doesn't seem much of a punishment for overseeing a system that ruined the lives of dozens of innocent men.

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13RecommendReply

Martin R Jan 19, 2018

@Krunger Yes but it is innocent men - clearly they have a lower set of rights than others and that seems to be fair?!?!?

Flag

10RecommendReply

RGT Jan 19, 2018

@Krunger "Dozens of innocent men". Really? A few high profile cases where an arrest was made but the CPS finally decide not to prosecute hardly constitutes "dozens". Of course if you have evidence of wrongful conviction then you will bring it to the appropriate authorities...

Flag

1RecommendReply

D Grant Jan 19, 2018

@Krunger Yes, we need to remember that the victims of false rape claims are all men. Perhaps the penalty for false rape accusations should be harsher?

Flag

6RecommendReply

Arcane Solutions Jan 19, 2018

Ms Saunders won't be moved sideways, she'll be moved upwards. She's already been offered a peerage. Perhaps she should take it.

Flag

2RecommendReply

Keith6646 Jan 19, 2018

@Arcane Solutions But why do we tolerate a system of Government that continually rewards failure???

Flag

2RecommendReply

Cliff Matthews Jan 19, 2018

@Arcane Solutions @Keith6646 1) You scratch my back, I'll scratch yours. 2) Promotion of incompetents to the level where they do least damage 3) Buying allegiance

Flag

2RecommendReply

Thesiger Jan 19, 2018

Oliver Mears should now publicly name his accuser. He has every moral right to do so, regardless of legal gagging orders.

Flag

35RecommendReply

Mr John Broom Jan 19, 2018

@Thesiger You can be sure they'll jump on him if he does that.

Flag

4RecommendReply

RGT Jan 19, 2018

@Thesiger A very sensible suggestion.

Flag

7RecommendReply

John Sheard Jan 19, 2018

One wonders how long Alison Saunders can continue to hold onto the presumably highly paid post of Director of Public Prosecutions. When I spent my young journalism career covering courts almost every day, the DPP was a revered figure - I can never remember a word being said against the post.

Today, the CPS is mired in controversy and, as a result, public respect for the rule of law has been tarnished, if not fatally undermined. To keep people on bail for years, as happened to many journalists during the Leveson inquiry, and again in several recent rape investigations, only for charges to be dropped is a national disgrace.

Although I would not dare to suggest that Ms Saunders demanded that there should be more rape convictions, there seems to be a shared conviction amongst all the men I know - and many of the women too - that public correctness has now seeped into our judicial system.

If so, Magna Carta needs a quick re-write.

Flag

25RecommendReply

Peter Hurley Jan 19, 2018

@John Sheard Nothing wrong with Magna Carta as is, save for the fact that the government through the CPS have torched our long cherished freedoms: Ref Clauses 38 to 40

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

Flag

8RecommendReply

D Grant Jan 19, 2018

@John Sheard Maybe the educational and cultural levels within the CPS need investigation? Is there any info on such matters?

Flag

6RecommendReply

Keith6646 Jan 19, 2018

@John Sheard Lawyers have written previously there is, in fact, very little of Magna Carta left in the laws of today.

Flag

2RecommendReply

Peter Hurley Jan 20, 2018

@Keith6646 @John Sheard True, especially the pledge of no duty on transfer of estates on death...

Flag

RecommendReply

Wyn Ford Jan 19, 2018

Disgraceful episode The system doesn't care about the individual: which I think is the opposite of most of us want.

Flag

18RecommendReply

Susan Jan 19, 2018

@Wyn Ford I think it cares just as long as the individual is female

Flag

13RecommendReply

Wyn Ford Jan 19, 2018

Well Susan, you may say that...

Flag

5RecommendReply

bluearmyfaction Jan 19, 2018

The article to the left on the front page is about white collar criminals getting away with it. And there are criticisms of not following through.

We can see here the vitriol on prosecution for trying to follow through when faced with accusations.

Damned if you do, damned if you don't.

But this is what happens when you get underfunded public services - people make the wrong decisions under pressure and cannot turn their mind to things because of so many other, more urgent, deadlines.

Flag

1RecommendReply

Mark Eltringham Jan 19, 2018

@bluearmyfaction Underfunding is not the problem in these cases. It is a DPP who has inverted the presumption of innocence then set targets for convictions, coupled with the police going along with it all.

Flag

15RecommendReply
Keith6646 Jan 19, 2018

@Mark Eltringham @bluearmyfaction you forgot the bit about the police incompetence ballsing up the evidence as well.

Flag

1RecommendReply
Arcane Solutions Jan 19, 2018

Dear bluearmyfaction. More resources don't make incompetent people competent. Occasionally and at best it makes them slightly less incompetent.

Flag

5RecommendReply
Carla Jan 19, 2018

This is getting ridiculous now. Several cases in the last couple of months of young men having their lives ruined by the incompetent CPS and malicious girls. I think this proves that both the accused and the accuser in such cases should remain anonymous until after a verdict is reached and then if the accuser is proved to have made it all up they should be named and shamed. Also, social media records of both parties should be the first thing that's scrutinised & they should be made available to all involved.

Flag

74RecommendReply
Peter Hurley Jan 19, 2018

@Carla Alas a product of the Police being instructed to 'always believe the complainant'.

And in my experience, it is common in both civil and criminal proceedings that the silk only reads the brief a few days before trial. Shoddy practice I know but when you consider these poor chaps are only on £300-500 an hour, what do you expect for such derisory fees.

Next you'll be expecting justice from our court system instead of law...

Flag

15RecommendReply
thebeancounter Jan 19, 2018

I also used to believe anonymity for both parties, but now I think, on balance, the accuser and the defendant should both be named. The judicial system in this country needs to be open and transparent. You must be willing to face the person you are accusing in public, otherwise we move towards secret trials, which becomes a slippery slope.

Flag

9RecommendReply
Peter Iden Jan 20, 2018

@thebeancounter Yes both parties should be named. Women making serial false rape allegations are so common, police have a nickname for them, they call them frequent flyers.

Flag

RecommendReply
Londonderry Lad Jan 19, 2018

@Carla You're right but they can be massive, in one recent case people wondered why the police hadn't gone through the accusers 40,000 text messages, the answer being it would take 2 weeks and each detective is juggling 30 cases at a time. I agree that the social media of both should be available to all but most victims would then drop their cases out of sheer embarrassment.

Flag

1RecommendReply

Cliff Matthews Jan 19, 2018

Antiquated if we are to believe that interrogations of phone messages is undertaken by a PC reading every message individually. The search would or should be automated by download or by a focussed search. In the Liam Allen case for example the corroborating evidence was believed by him to exist but the prosecutors apparently didn't check it out.

Flag

2RecommendReply

Cliff Matthews Jan 19, 2018

@Carla Naming and shaming is not the right approach. For some it may be a sign of mental health for others it is wilful perversion of the course of justice which should be prosecuted.

Flag

2RecommendReply

Howard M Jan 19, 2018

This is becoming a weekly occurrence where somebody's life has been wrecked by abject failure of the police and CPS. Alison Saunders needs to be fired then take herself and the bowl of wasps she's always chewing home.

Flag

47RecommendReply

Nicholas Kemp Jan 19, 2018

It beggars belief that those responsible for our justice system believe the current process is in any way acceptable.

Flag

28RecommendReply

Londonderry Lad Jan 19, 2018

@Nicholas Kemp But they don't, they keep saying the system is broken and needs massive funding increases but no one seems to listen.

Flag

RecommendReply

Cliff Matthews Jan 19, 2018

It may be partly true but if you think there is no waste and incompetence involved then you are more than a little wide of the mark.

Flag

1RecommendReply

Bishop Jonathan Blake Jan 19, 2018

Saunders, interviewed on the Today programme, gave a green light for the police not to investigate fully and so not to uncover vital information for disclosure that could clear a defendant. At the same time, she stated complacently, that she didn't think innocent people were in jail because of disclosure failures. Justice? Not in this country.

Flag

38RecommendReply

Mark Roberts Jan 19, 2018

If men are named when being charged, for public safety reasons, then women who falsely accuse should also be named for public safety reasons - so men can steer well clear of them!

Flag

78RecommendReply

Scott Donovan Jan 19, 2018

What is truly troubling and worrying about all these recent cases is the abject failures of the police service including the case officers and the Crown Prosecution Service to thoroughly investigate the facts of the individual cases. These failures do a profound disservice to complaints and victims and the justice system itself. Sadly in the majority of cases recently publicised incompetence and dereliction of professional duty is the only explanation.

Flag

20RecommendReply

James Croft Jan 19, 2018

You can't get decent copwork done for just a couple of coppers.
Sack the DPP, reorganise the CPS, get rid the deadwood, and increase police force funding, retraining police officers for the new world of social media they live in.
UK police and detectives used to enjoy an outstanding reputation.
Now they have a reputation for cases outstanding which drag on forever.

Flag

10RecommendReply

John Sheard Jan 19, 2018

@James Croft Although this is a trivial matter compared with the serious damage being done to the reputation of the DPP and the CPS, England might not have won the Ashes had Ben Stokes been in the team but we might have lost them with a little more dignity.

Before the CPS was created and the police themselves carried out most "minor" prosecutions, Stokes would have been before the local beak on Monday morning, tried, found guilty or innocent depending on his plea, and been either free or heavily fined/sentenced by lunchtime.

As it is, when and if his case gets to trial, he will have been on bail for many, many months and his career inevitably damaged for life. Is this because the police are just too incompetent ... or that many CPS lawyers get paid by the day?

Flag

5RecommendReply

Graeme Harrison Jan 19, 2018

@John Sheard @James Croft Is a finding of innocence available to the criminal courts in England? I thought the choices were: guilty or not guilty, the latter including everyone who wasn't found guilty for whatever reason.

Flag

1RecommendReply

D Grant Jan 19, 2018

@John Sheard @James Croft Ore are CPS lawyers incompetent? We should be told the composition of their staff in terms of education and cultural background.

Flag

3RecommendReply

DEREK Crompton Jan 19, 2018

What on earth is going on? How many mens lives have been dragged through hell because of this.

Flag

28RecommendReply

Peter Smith Jan 19, 2018

Malicious complainants should lose their anonymity. They should also be prosecuted. When released from prison they can go back to claiming that they bought and lost the winning lottery ticket.

Flag

29RecommendReply

JPYork Jan 19, 2018

Arrested weeks after his 17th birthday - still a minor and yet had to endure 2 years before trial?

Have the police and prosecutors not yet caught up with the importance of social media in the lives of young people? Surely one of the first places to look, if searching for proof / evidence?

Agree with English Rose about compensation being free university to resume his Oxford education.

Alison Saunders must resign (or be dismissed) if the Prosecution service is to regain any respect.

Best wishes to this young man and his family.

Flag

44RecommendReply

Wanderer Jan 19, 2018

Compensate him with the pension rights of all the officers involved up to chief constable and the CPS staff too.

In contrast medical negligence is an area where NHS/government and or insured surgeons are liable and if surgeons slip up there is a large payout. So much so that they are extremely risk averse in their procedures. Whereas the police/ CPS view seems to be not to investigate thoroughly and get away with it with little downside risk. Indeed this is where the nature of police processes makes it hard to identify what has been done. An imbalance in risk/reward methinks.

Flag

3RecommendReply

A Roberts Jan 19, 2018

What a appalling story. Nearly 2 years before a charge is brought and then another period with a trial hanging over you, I can't imagine the stress. Surely there must be some obligation on police to investigate more promptly. We don't know the details of this case but what new evidence can have been produced nearly 2 years later to prompt the bringing of charges?

Flag

13RecommendReply

mark Jan 19, 2018

Tangential question, as I understand it under the old CRB check system if you were charged with an offence it would appear as a red flag against you, no matter whether you were convicted or not. Is this still the case?

I know of at least 2 cases (admittedly 2nd hand) of teachers that had to change career due to false/mistaken claims against them that stayed on their record and meant they couldn't be hired.

Flag

10RecommendReply

Steve Williams Jan 19, 2018

@mark Yes it is, regrettably. It will also affect your ability to travel to some countries such as USA, although that may be a blessing at the moment!

Flag

3RecommendReply

Graeme Harrison Jan 19, 2018

@mark The UKSC is considering its decision in a case about the disclosure of acquittals at the present time.

<https://www.supremecourt.uk/cases/uksc-2016-0144.html>

Flag

1RecommendReply

Psychedelia Smith Jan 19, 2018

Alison Saunders is a dangerous idiot who need to be sacked now before she causes any more lives to be ruined. How competence and skill sets in public life have sunk so low as to allow a toxically arrogant intellectual vacuum like her anywhere near the delicate machinery of justice is something that also needs serious investigation.

Flag

24RecommendReply

Michael Duerden Jan 19, 2018

All true and I have to agree but my question is: is Alison Saunders just carrying out her defined job ie to support the prosecution case and get a conviction at all costs. If you disagree with this, as I do, then the system needs to be changed radically to:

Carry out a balanced and unbiased investigation of a case without presumption of guilt or innocence.

Guarantee anonymity to both accuser and accused until the case is proved one way or another.

Provide a high level of support to the victim which is both sympathetic but also rigorous in proving reliability of the evidence - a difficult role not being properly carried out at the moment.

Of

Flag

1RecommendReply

Martin R Jan 19, 2018

"Alison Saunders, the director of public prosecutions, was criticised for saying that innocent people were not in jail despite admitting "systemic issues" in disclosing evidence."

Fine. So I presume she will stand behind this and if a SINGLE case can be proved then Ms Saunders will resign.

Thoughts if Ms Saunders would do the honourable thing if above shown????

Flag

13RecommendReply

Wanderer Jan 19, 2018

Let her and her colleagues take their place in an appropriate jail for the full term.

Flag

3RecommendReply

Steve Williams Jan 19, 2018

@Martin R No chance, she has no honour and is a disgrace. Good post.

Flag

2RecommendReply

Martin R Jan 19, 2018

It will be interesting to hear if there is not enough evidence to convict OR if there is evidence that the woman was lying to the police.

If someone lies to the police is this not perverting the course of justice?

Flag

13RecommendReply

Adrian Bagnall Jan 19, 2018

This man's life has been hell for the past 2 years. Why is the "accusers" identity still being protected?

Flag

19RecommendReply

Graeme Harrison Jan 19, 2018

@Adrian Bagnall Because the law enacted by Parliament says she's entitled to life-long anonymity?

Flag

1RecommendReply

Adrian Bagnall Jan 19, 2018

@Graeme Harrison @Adrian Bagnall well, I'm sorry, but if that is the case, then, as the old saying goes, "the law's an ass!" Why should we protect the anonymity of someone who apparently lied?

Flag

2RecommendReply
richard Jan 19, 2018

This case demonstrates exactly what is wrong with our public services today - lack of care (complete indifference to the plight of the accused), lack of competence (at all levels from cop to CPS to government) and lack of resource (how can this process take over 2 years). But I suspect it is the latter which is driving things. But to get more resource, and I am talking here about all public services, we need to pay more tax, but most of the population won't wear that - so we get what we deserve!

Flag

RecommendReply
Peat Jan 19, 2018

Where is the sense in innocent until proven guilty if the accused's life is ruined all based on a false accusation. It's time for the accused to receive anonymity when the accuser also has anonymity. The justice system should go further and quickly prosecute the false accuser for wasting police time and, if the case reaches court, perjury.

Flag

18RecommendReply
Hem Laljee Jan 19, 2018

It is getting a Habit. Police are hamfisted.

Flag

2RecommendReply
BigJim Jan 19, 2018

The Metropolitan Police has ordered a review of all investigations into rape and serious sexual assault

That review has to be an independent one, not involving either the Police or CPS, who can no longer be trusted to act in the public's interest when it comes to being able to pursue both investigations or prosecutions.

Despite the DPP - Alison Saunders - protestations, there is every indication that innocent men, and likely many innocent men are behind bars due to her policies being enacted. Any conviction following a trial (a not-guilty plea) for rape/sexual assault has to be considered unsafe in England and Wales since 2015, when the current DPP's influence started to be exerted (she'd been in the role since November 2013).

Whether the Solicitor General - Robert Buckland QC MP, or the Lord Chief Justice for England and Wales (presently Lord Burnett of Maldon) or the Lord Chancellor (current David Gauke) take action to either remove the DPP or place the CPS under extensive scrutiny for any case taken-to-Court is starting to become meaningless; juries will increasingly become unwilling to find a defendant guilty under any circumstances, because they will automatically assume the Police haven't carried-out a proper investigation or that the CPS haven't presented a proper prosecution.

That moment has probably already been reached and the criminal justice system in England and Wales now in a crisis of its own making. Some confidence will be restored only with the replacement of the DPP. Although wrapped-up with Jeremy Corbyn's incoherent Brexit strategy, I think there would be a cross-party consensus recognising that Keir Starmer MP (though now a politician) was the most competent DPP in recent times, and if willing-to-serve with an exception granted by the Lord Chancellor (i.e. being able to remain an MP) would be an excellent temporary replacement until another full-time DPP could be found.

Flag

4RecommendReply
Mrs Ruth Bruce Jan 19, 2018
@BigJim

Despite the DPP - Alison Saunders - protestations, there is every indication that innocent men, and likely many innocent men are behind bars due to her policies being enacted.

Agreed, but does this apply only to cases of sexual misconduct? Rape cases are in the headlines because rape is a sensational crime, but the problem might be far wider.

It is at least possible that what the authorities will do to achieve unjust convictions in one case they will also do in another. How many are falsely imprisoned on other charges?

Flag

13RecommendReply
BigJim Jan 19, 2018
I agree.

The review would have to include all alleged offences.
You would have to start somewhere. So start with sex offense cases and homicides.

Flag

1RecommendReply
Wanderer Jan 19, 2018

The problem is indeed far wider.
An independent commission is required to investigate cases, support all those involved, compensate them and cleanup the police etc records.

Flag

2RecommendReply
Mark Eltringham Jan 19, 2018

@Mrs Ruth Bruce @BigJim It's likely to be more likely in these sorts of cases because they often rely on testimonies rather than evidence - precisely the same reason why rape is hard to prosecute in genuine cases. The problem arises when you assume one of the people cannot be lying because of their genitalia - as the present DPP does and has instructed the judicial system and police to make the same assumption.

Flag

2RecommendReply
Alan Jackson Jan 19, 2018

Poor guy. What happens to the accuser who by definition must have lied?

Flag

12RecommendReply
bluearmyfaction Jan 19, 2018

@Alan Jackson Why "must" she have lied? The standard of proof in criminal cases is beyond reasonable doubt, not balance of probability.

And when it comes to rape, you have two states of mind to consider. You can have a case where a male genuinely believes the female has given consent, where she hasn't. He's not guilty. So the female told the truth about not giving consent - and yet there was no crime.

Flag

2RecommendReply
Pirate Jan 19, 2018

@Alan Jackson What total nonsense. It is notoriously difficult to prove a rape case, the evidence tipping to "too difficult" in no way is proof that she lied. How about she is innocent until proven guilty of lying, or is that only for accused rapists? I suppose when the CPS can't prosecute someone for murder you think the victim lied about that too?

Flag

RecommendReply

Dr Nick Cornish Jan 19, 2018

Two years on bail?

Ridiculous but three cheers for the judge forcing a CPS prosecutor to explain himself in court.

Flag

26RecommendReply

Edward O'Brien Jan 19, 2018

And why do we still wait to hear of any of these lying women to be hauled before the judge. Their crime is no less serious than that which they falsely accuse their victims.

Flag

16RecommendReply

Pirate Jan 19, 2018

@Edward O'Brien t is notoriously difficult to prove a rape case, the evidence tipping to "too difficult" in no way is proof that she lied. How about she is innocent until proven guilty of lying, or is that only for accused rapists?

Flag

RecommendReply

EnglishRose Jan 19, 2018

I hope this young man can start back at Oxford in October and get his life and career on track. He deserves it. Perhaps his compensation should be free university fees and rent provided by the state for the next 3 years.

Flag

26RecommendReply

Michael Doughty Jan 19, 2018

Another man who is guilty until proven innocent.

And his accuser, the real guilty party, keeps her reputation.

Does not seem right.

Flag

28RecommendReply

C J Delmege Jan 19, 2018

Let's hear it for judge Jonathan Black ! Look forward to reading tomorrow the prosecutor's explanation in open court. I also look forward to reading that action is being taken against the false accuser; naming and shaming would be the first step.

The Saunders woman is not just a waste of space but a danger to the public.

Flag

32RecommendReply

Cliff Matthews Jan 19, 2018

and how many miscarriages of justice have resulted in men now sat in gaol due to withheld evidence?

Flag

5RecommendReply

Henry Adam Jan 19, 2018

Why do we never hear the name of the false accusers? Have I missed something? Has a crime not been committed?

Flag

8RecommendReply

Saint John Jan 19, 2018

Saunders has to go

Flag

11RecommendReply

Mr John Broom Jan 19, 2018

The boy didn't go to prison, so according to Ms Saunders, everything is ok.

What world does she live in ?

Flag

14RecommendReply

Ian Burgess Jan 19, 2018

Why is there a photo of Mr Mears? I would recommend that he finds someone to sue for stress at the very least not to mention effects on his professional life.

Flag

7RecommendReply

Turnbacktime Jan 19, 2018

There is evidence that his "accuser has lied". Time to name the accuser in that case.

Flag

10RecommendReply

Ian Lumsden Jan 19, 2018

By instructing the prosecutors to attend court the judge is clearly signaling his outrage at yet another travesty of justice. I hope they receive a roasting though I doubt we'll hear about it. Alison Saunders is a disaster area with an agenda. I understand she wants more convictions for an abominable crime but justice must always be fair and seen to be so.

Flag

9RecommendReply

Peter Iden Jan 19, 2018

Once police have named someone they should not just be able to drop the case. They should have to go before a judge and explain why they ruined someone's life by making them on no evidence. An apology and declaration of innocence should be made and compensation decided
This would make police understand that with power also comes responsibly.

Flag

10RecommendReply

G W F Hegel Jan 19, 2018

We simply can't carry on like this, under Theresa 'this is what a feminist looks like' May and Alison Saunders, a feminist who is not interested in the impartial administration of justice.

You can find an analysis of false accusations (the vast majority of rape and sexual assault) at Dr Jeffrey Ketland's website Critica <https://criticathink.wordpress.com/2018/01/17/false-accusation-cases-86-stephen-simmons/>

Flag

13RecommendReply

DW123456 Jan 19, 2018

Why the photo.

Urgent reform needed on persons accused of rape - anonymity required as lives are ruined by baseless claims.

Flag

53RecommendReply

Ducati Dave Jan 19, 2018

@DW123456 As a young court reporter I could not identify either complainants or defendants in rape cases as anonymity was provided to defendants as well as complainants in rape cases in 1976.

Parliament repealed anonymity for defendants in rape cases in 1988. This followed a Criminal Law Revision Committee report in 1984 which said that the argument about equality between rape defendants and complainants was not valid "despite its superficial attractiveness". It is argued that comparison should be made not between a rape defendant and alleged victim, but between a rape defendant and a defendant charged with another serious crime.

Flag

1RecommendReply

Andrew Middlemiss Jan 19, 2018

"Lawyers asked for the case to be dropped hours after Alison Saunders, the director of public prosecutions, was criticised for saying that innocent people were not in jail despite admitting "systemic issues" in disclosing evidence."

Do we now live in a banana republic? Judging by Ms Saunders reported statement there has to be a prima facie case - either that or the tail is wagging the dog.

This is an abhorrent state of affairs.

Flag

37RecommendReply

NR Jan 19, 2018

So Surrey police were still delivering evidence last week. Can we assume they are playing catch up with their failure to disclose?

Flag

7RecommendReply

Ducati Dave Jan 19, 2018

@NR perhaps it is time to make failure to disclose evidence a criminal offence. That might concentrate the minds of police officers.

Flag

7RecommendReply

Richard Pursehouse Jan 19, 2018

Is the CPS phrase "a new set of eyes" the same as any major banking or IT blunder always seems to be done by a 'junior clerk' or 'someone who joined recently but has now left'?

Flag

3RecommendReply

John Austin Jan 19, 2018

This smacks of decisions being deferred because nobody wanted the responsibility. It's always easier to do the comfortable and wrong thing.

Justice delayed is justice denied.

Flag

5RecommendReply

SS Jan 19, 2018

Does anyone else reading and listening to the news every day get the feeling that they are living in the film "Groundhog Day"?

Flag

7RecommendReply

Old Peculiar Jan 19, 2018

@SS No, because Groundhog Day is a comedy. This is about the polar opposite of funny.

Flag

3RecommendReply

Jack Hill Jan 19, 2018

Is making and maintaining a false claim leading to a trial, not a criminal offence in itself?

I'm putting the question out there for a knowledgeable legal mind to comment on.

Flag

26RecommendReply

Old Peculiar Jan 19, 2018

@Jack Hill Yes and once in a blue moon someone gets done for it. However you won't see that happening often as long as the Starmer/Saunders axis are running the CPS as it has to be an absolutely egregiously open and shut case in order to merit a charge.

You only have to look at the response to 'Nick's malevolent fantasies to see how reluctant they are to 'discourage victims from coming forward', or whatever the stated explanation is.

Flag

4RecommendReply

Lesleycol Jan 19, 2018

The female involved should be in prison

Flag

4RecommendReply

sheila corn Jan 19, 2018

Do you mean 'the victim' or Ms. Saunders? Perhaps both.

The behavior of the CPS can, in the long term, only harm those women and girls who are genuine victims.

Flag

1RecommendReply

JGB Jan 19, 2018

@Jack Hill Yes, it is indeed a criminal offence. At my local Crown Court a woman was sent to prison for pursuing a false allegation which caused an innocent man to serve two years of his sentence before she confessed. She was named too. She let something slip to her mother who realised the allegation was false and went to the police, a courageous act.

There was a time when honourable people resigned when something really serious went wrong in their organisation. Now the stance taken is that "I must stay on to sort out the problem" (remember Katrina Percy at Southern Health) wholly overlooking that the failure happened on their watch. How many more errors have to be made before Mrs Saunders goes or is dismissed? As the DPP she sets the tone. With responsibility comes obligation.

Flag

5RecommendReply

Redvers Duggan Jan 19, 2018

An informed source said: "[Prosecutors] should have been reviewing the evidence three days before charging Oliver, not three [working] days before his trial."

Didn't Surrey Police introduce a policy of "arrest first, investigate later" under the leadership of Lynne Owens?

Flag

47RecommendReply

Graeme Harrison Jan 19, 2018

Was there ever a time when a police investigation had to have completed before an arrest was made?

Flag

RecommendReply

Ghoti Jan 19, 2018

@Graeme Harrison No, but it should be before a person is charged. I think that was the point that you missed.

Flag

5RecommendReply

Alien Looking Down Jan 19, 2018
Saunders: yet another: all ambition no talent.

Flag

34RecommendReply

Michael Jones Jan 19, 2018

Well this is not a surprise, yet more to come no doubt, but good form on the judge for not letting the prosecutors off the hook. It will be interesting to see what comes out of the court proceedings today.

Flag

56RecommendReply

Ducati Dave Jan 19, 2018

@Michael Jones it is time to make failure to disclose evidence a criminal offence. That might concentrate the minds of investigating officers.

Flag

2RecommendReply

Risk Man Jan 19, 2018

There is something deeply wrong with our criminal justice system.

Flag

66RecommendReply

Richard Cornish Jan 19, 2018

@Risk Man Yes, men are presumed guilty until they prove their innocence (against loaded evidence). Women are presumed innocent until proven guilty, and then given a lesser sentence (eg "we don't want to spoil her promising career" etc).

Flag

4RecommendReply

SJ-Livvy Jan 19, 2018

Incompetence of the highest grade yet again having a ruinous impact on somebody's life. When will serious action start being taken against these people who behave like legal cowboys?

This is not justice.

Flag

61RecommendReply

Prabhat Jan 19, 2018

Another feather in DPP's cap.

Flag

7RecommendReply

Families Need Fathers Jan 19, 2018

The widely accepted maxim "justice delayed is justice denied" is thought to have 200-300 year old origins. It still holds true for both the accuser and accused. In cases such as this it amounts not just to an injustice that is itself a crime. It does tremendous damage to the accused as well as their families who become the real victims of both their accusers and the justice system.

The same is true in family justice system, perhaps rather more frequently. Allegations made, understandably, lead to restrictions or curtailment of parenting arrangements. However, delays in having 'Finding of Fact' hearings can result in damage to, or even complete severance, of child-parent relationships. Justice is denied. In such situations it is the accused who suffers and the children who suffer short and long-term harm.

We need a justice system that is fit for purpose. It needs to have a humanitarian dimension. Damaging delays are unacceptable. If evidence, as seemingly in this case, can be found days before a hearing, it can be found months or years earlier with little or no additional resource required. The management of cases, whether criminal or family, must be changed. The cost if not doing so is simply too great.

Flag

44RecommendReply

C J Delmege Jan 19, 2018

@Families Need Fathers Delay wastes public money rather than saving it.

Flag

2RecommendReply

Chris Huckle Jan 19, 2018

This coming immediately after the arrogant and self delusional utterings of Saunders would in normal circumstances make this woman's position untenable. She's not even acknowledging the problem let alone addressing the serious issues for which she's responsible blighting young men's lives.

Flag

110RecommendReply

James Austin Jan 19, 2018

So, after all this time the prosecution admits it has no case.

Full marks to the Judge who would not allow those responsible to slither away and not face what I hope will be a Judicial grilling.

A young man's promising career is ruined by what appears to be gross negligence by incompetents who must be held to account.

I also ask why didn't the Defence bring this to a head at an earlier stage?

As for Mr Mears, like the vast majority of law abiding decent people I hope he can now make a fresh start and wish him and his family, all the very best.

Flag

78RecommendReply

David Harris Jan 19, 2018

Someone should face serious charges, There are far to many cases such as this, Why are the Police allowed to get away with such amateurish conduct? Whoever was in charge of this investigation should be sacked immediately, no pension, no golden handshake, I sincerely hope that this lad sues for the amount of money that this case has prevented him from earning throughout his entire life.

Flag

20RecommendReply

Paul Hendy Jan 19, 2018

Saunders must go. She is perverting the course of justice.

Flag

88RecommendReply

Crowbar Jan 19, 2018

Austerity cuts in the police has reached a point that it is potentially ruining lives. Bravo Theresa May.

Flag

1RecommendReply

DW123456 Jan 19, 2018

@Crowbar

Sorry that cant be the full reason. Police not disclosing evidence. That which is not down to austerity measures, its incompetence.

Flag

4RecommendReply

Cliff Matthews Jan 19, 2018

@Crowbar or is it incompetence.

Flag

2RecommendReply

Ducati Dave Jan 19, 2018

@Crowbar Are you really suggesting that a lack of cash is responsible for rank inefficiency and a failure to carry out the most basic requirements of a post in the police force? In any case, such behaviour costs the police more man hours, not less. It would be more efficient and cost effective if they ensured they did the right thing in the first place so that their involvement could be curtailed at an early stage in proceedings, thus freeing them up for other duties.

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1RecommendReply

Ducati Dave Jan 19, 2018

@Crowbar Not only that but what will be the effect on police budgets of huge compensation claims from defendants let down so badly by officers' inefficiency or incompetence?

Flag

1RecommendReply

St Ranger Jan 19, 2018

@Crowbar nonsense, this is a CPS issue, not a police failure

Flag

2RecommendReply

Reader 54 Jan 19, 2018

Another bright career ruined . Could this have been as a result of fall out from 'A woman scorned...' ? We may never know this or the name of the accuser.

Flag

15RecommendReply

C J Delmege Jan 19, 2018

@Reader 54 Well, we damn' well should.

Flag

3RecommendReply

Andrew Daws Jan 19, 2018

Social media again, without which he might have been convicted? So much for justice.

Flag

8RecommendReply

Anonymoose Jan 19, 2018

As Long as there is no down side for making false allegations then life changing made up rape (and other sexual crimes) accusations will happen. I suggest it is probably often revenge-rape-claims. People are human, then can sometimes go crazy after breakups. In the case of Men they Sometimes resort to commit revenge porn crimes but women may resort to false rape or even worse: In the case of my senior lawyer friend and his ex (another lawyer) - she made widespread career damaging child abuse claims about him abusing his own child - she never made for formal charges but told all his friends/family/colleagues - but the Mother (his ex Wife) has to step in and say it was rubbish. Problem is you seem to be guilty until proven innocent and even accusations are presumably usually terribly damaging.

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14RecommendReply

Global Voter Jan 19, 2018

The accuser should be arrested and charged. Poor guy.

Flag

53RecommendReply

Ducati Dave Jan 19, 2018

@Global Voter Failure to disclose evidence should be made an offence, or perpetrators prosecuted for perverting the course of justice.

Flag

2RecommendReply

AB Jan 19, 2018

Guys name and photo printed this is wrong so he will live with this for life

Flag

22RecommendReply

KEITH MARTIN Jan 19, 2018

@AB ... and we should now see a picture of her!

Flag

15RecommendReply

Heather Flockton Jan 19, 2018

Look at how much we know about the (wrongly) accused, Mr Mears..

Yet what do we know of his accuser? Simply that she was a "woman", That can't be right and just, can it? The police appear to have moved from operating within a canteen culture to being crazy PC zealots without taking a breath?

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77RecommendReply

Lesleycol Jan 19, 2018

In cases like theses the accuser should and must be named

Flag

6RecommendReply

Avicenna Jan 19, 2018

This is going to be a huge compensation claim. Unbelievable vindictiveness hiding evidence!

Flag

11RecommendReply

Suzanne Wilson Jan 19, 2018

The last sentence says it all:

.An informed source said: "[Prosecutors] should have been reviewing the evidence three days before charging Oliver, not three [working] days before his trial."

It's disgraceful.

Flag

32RecommendReply

Jay Patel Jan 19, 2018

There is surely a case now for saying that Alison Saunders is the worst and possibly most dangerous DPP in living memory. And yet there have been serious concerns about her almost since the start of her tenure in 2013. But still she continues in post without it seems an iota of acknowledgement that there is anything wrong. She may be digging in her heels but surely now she needs to be dragged away from this crucial legal position if that's what it'll take for her to go.

Flag

97RecommendReply

Keith Thomas Jan 19, 2018

Yes, she should go!

Flag

4RecommendReply

Mr Frank Roby Jan 19, 2018

@Jay Patel I think keir starmer would give her a run for her money

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1RecommendReply

Minority Man Jan 19, 2018

Outrageous incompetence.

Flag

9RecommendReply

Dr Half-track Jan 19, 2018

The critical question remains: exactly who is responsible for hiring Alison Saunders?

22RecommendReply
John Prince Jan 19, 2018
@Dr Half-track You mean "firing" Alison Saunders?

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2RecommendReply
Minority Man Jan 19, 2018
"A new set of eyes (looked at his case)"? What a clear admission of incompetence. The head of the CPS's head should roll and this young man compensated by paying him her severance pay.

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44RecommendReply
Cliff Matthews Jan 19, 2018
@Minority Man has the old set of eyes been shown the door I wonder?

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2RecommendReply
Arturo Jan 19, 2018
@Minority Man It would be a very small amount if it were shared between all the victims of CPS and police incompetence.

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1RecommendReply
Alan Simpson Jan 19, 2018
Whatever errors have been discovered in this case they have now been compounded by the fact that the CPS sought the easy way out by writing to the judge. Thankfully, the judge isn't falling for this and has now ordered a prosecutor to attend and explain publicly what went wrong.

Flag

I look forward to hearing the explanation delivered by the CPS representative.

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27RecommendReply
Mabelino Jan 19, 2018
Name and shame the woman who cried rape for the harm she's done to this poor guy. Let's hope he feels he can get on with his life and his studies!

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89RecommendReply
de Selby Jan 19, 2018
This is becoming ridiculous. What does Alison Saunders do all day long?

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41RecommendReply
Cliff Matthews Jan 19, 2018
@de Selby well for one she appears on Radio 4 to claim that no innocent people are in prison because of failures to disclose vital evidence, despite admitting there is a "systemic issue". I think a competent barrister could make short work of that line of reasoning.

Flag

2RecommendReply
de Selby Jan 19, 2018
@Cliff Matthews @de Selby
You're not kidding.
Sadly the CPS seems a bit light on competent barristers.

*Ref.: Two-year rape case against student Oliver Mears dropped by CPS
26/04/2018 11:19*