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Sex cases: abolition of corroboration rule

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It appears to me a most inopportune time for the Law Commission to recommend the abolition of the rules requiring judges to warn juries that it is unsafe to convict on the uncorroborated evidence of a victim of a sexual offence or an accomplice of the accused.

The number of cases recently referred to the Court of Appeal by the Home Secretary because he believes the convictions to have been unsafe or unsatisfactory has done little to inspire the confidence of the public in the ability of the courts to acquit an innocent defendant. To abolish the rules mentioned above could only further increase the possibility of serious miscarriages of justice.

On the day that I read of the Law Commission's recommendation I also read the report of R v Harris heard at the Central Criminal Court on August 5, 1991 and reported in The Times on the following day. This was a case in which a woman who had made a **false** allegation of **rape** had caused three entirely innocent men to be arrested solely on her uncorroborated accusation.

The facts of the case were that Sandra Harris, a lesbian, wished to have a child and so seduced her married neighbour, David Sheedy, into having sexual intercourse with her. She did not, however, wish to prejudice her relationship with her lesbian lover, Alison Westcott, and so told her that she had been raped. The police were thereupon informed and a detailed description of the alleged rapist was given to them.

The first man arrested was a Colin Lynch who was detained in custody for 24 hours until he was cleared by scientific forensic tests.

The second man who had the misfortune to be arrested was Nigel Kennedy who was picked out by Sandra Harris at an identity parade. This unfortunate man, as a result of the entirely **false** identification, spent 18 days in prison on remand until he was finally cleared by DNA tests.

The third man arrested was David Sheedy, the gentleman who had obliged Ms Harris by having intercourse with her. Not surprisingly his DNA profile matched but he, of course, denied the accusation of **rape**. Finally Sandra Harris admitted not only that she had not been raped but that intercourse with Ms Sheedy had been at her request.

Sandra Harris was later convicted at the Central Criminal Court of attempting to pervert the course of justice and sentenced to 15 months imprisonment, of which nine months were suspended - which some may consider a lenient sentence for such a wicked offence.

One may say that justice was achieved in the end, but the frightening aspect of this case is that had Sandra Harris not confessed that her allegation of **rape** was **false** but persisted with her story, Mr Sheedy could well have been charged and tried on her malicious allegation, and if the Law Commission's recommendation had been put into effect, he might well have been convicted.

The warning given to juries is not a statutory obligation but a result of the practical experience of judges and lawyers over the years who have realised how easy it is for such allegations to be made and how difficult it can be to refute them.

Who has not heard, or had to deal with, threats of **false** accusations being made against men alone with a female passenger in a railway compartment unless he pays over some cash?

What opportunities the Law Commission's recommendation would present for blackmail or revenge by spiteful women or resentful children; and what would be the situation now that the courts have held it possible for a man to be guilty of the offence of **rape** of his wife during the continuance of the marriage?

For a woman to be raped or for a female or a child to be indecently assaulted is a dreadful thing, but so would be sending an innocent man to prison on a **false** and uncorroborated accusation of a sexual offence. The feminist lobby has, quite properly, pressed for, and achieved, a number of changes in the law, but this could be an instance where men, too, need protection.