Man not guilty of raping ex-wife

By MICHAEL BACHELARD

A woman had made false accusations of rape against her former husband because their relationship was a "potent brew", the ACT Supreme Court heard yesterday.

A jury found the man not guilty on all counts last night, after deliberating for 8½ hours.

Defence counsel for a man accused of raping his former wife on January 25 this year said the relationship in which the couple had resumed sexual contact only months after their divorce was very unconventional, and "just the sort of potent brew that can throw up accusations — accusations made to damage and hurt".

"It's a fine line between love and hate — 'hell has no fury,' as the statement goes," lawyer James Brewster said.

The man, who cannot be named, was facing charges of sexual intercourse without consent, unlawful assault with intent to engage in sexual intercourse, and assault. The woman alleged her former husband had threatened her with a knife to force her to have sex with him.

Justice Terence Higgins heard that the couple had been married in 1986, separated in 1989, then divorced in early 1991. Her husband had remarried, then separated. They had resumed contact shortly after their divorce, and sexual contact when he separated from his second wife. They had often visited each other, and he stayed at her house for weeks at a time.

The woman gave evidence that the couple had been arguing on that day when he had grabbed her, threatened her with a 30cm knife, and raped her. He had said he would rather have her six feet under than have her in control and with their two children. He had later told her it was "the devil that's taken over" and possessed him to do those things.

Mr Brewster put it to her that the couple had had hurried, consensual, sex on the floor. He put it to her that she had started the argument afterwards, which had become "very heated". There had never been a knife. She denied this.

In summing up he said her evidence had been "a little too clinical, a little too detached". She was not seriously injured and there was also no corroborating evidence.