

# Video kept back by police proves 'rape' girl lied

By Maurice Weaver

A JUDGE demanded an explanation from the Crown Prosecution Service yesterday of why the existence of a crucial videotape proving the innocence of a teenager accused of rape was not disclosed by detectives.

The tape, from a CCTV camera in a nightclub foyer, disproved the tearful claims made in court by a 16-year-old college student that her alleged assailant had "dragged" her from the club against her will.

Judge John Hopkin, sitting at Nottingham Crown Court, said: "If this [tape] had not come to the attention of the defence this young man could have faced up to seven years detention. It is absolutely awful."

After hearing a detective declare on oath that he had overlooked the relevant parts of the tape proving the defendant's innocence, Judge Hopkin described the circumstances as "lamentable".

On the judge's direction, the jury cleared Matthew Hilliard, 18, from Aspley, Nottingham, who was accused of raping the unnamed girl. Mr Hilliard was hugged by his parents as he left court.

The critical nature of the tape's contents was discovered by defence counsel by chance and the material it contained seen by both prosecution and defence lawyers only yesterday, the second day of the trial.

The girl had given emotional evidence on Tuesday that, while visiting Nottingham's MGM nightclub with her mother last October, she was forced into a lavatory by Mr Hilliard for sex and then dragged out of the building against her will and raped again in a dark alley. He

denied rape and said she consented to having sex with him on both occasions.

The tape from the security camera scanning the lobby through which the couple had walked on their way to the alley had been viewed by detectives but deemed not to show anything of relevance to the case.

It was entered on the Schedule of Unused Material as required under the Criminal Procedure Investigations Act and as such not shown to prosecution or defence lawyers.

Adrian Reynolds, defending, said: "Another fascinating feature of this case was that when the girl went to the police to make her complaint detectives decided that she should telephone the defendant.

"They wanted to see if she could get him to say something incriminating. In fact that conversation provided material that would have been of more use to the defence than to the prosecution.

"It, too, was placed on the Schedule of Unused Material and we had been asking for this tape for a long time and did so again on the night before the trial started.

"The police attitude raised queries in my mind about the judgment of the detectives concerned so I also asked if we could see the security video tape from the nightclub lobby."

After he had seen it on special police viewing equipment, Mr Reynolds immediately referred its contents to John Stobart, the prosecuting counsel.

Mr Reynolds said: "It showed conclusively that, far from Mr Hilliard having hold of this girl and giving her no choice but to go with him,

she left the nightclub with him as happy as Larry.

"She said she had been unable to seek help because the club foyer was empty whereas the tape clearly showed that there were people about."

Judge Hopkin called Det Con Jason Palmer of Nottinghamshire Police, to explain on oath why the tape was not presented in evidence. Mr Palmer said that when it was viewed the relevant parts which proved the accused's innocence were missed.

"This is not the first time this has happened in my book," said the judge. He demanded "a full explanation" from the Chief Crown Prosecution Solicitor and ordered that the Chief Constable of Nottinghamshire, Colin Bailey, be informed.

A spokesman for the Chief Constable said last night: "We have been made aware of the judge's comments and there will be a full investigation."

