

# Complainants that Lie in Sexual Assault Trials

What's the worst thing that could happen to you – or your loved one?

Being falsely accused of a serious crime and facing the prospect of spending years in prison for something that you didn't commit might rank pretty highly.

In recent years, certain media personalities and news outlets have tried to convince us that those accused of serious crimes should be assumed guilty.

But as I discovered whilst assisting our [Senior Criminal Lawyers](#) in a trial at Downing Centre District Court last week, nothing could be further from the truth.

## The Case

The case concerned a complaint of [aggravated sexual assault](#) which allegedly took place at a Sydney beach in April last year.

Our client, along with a friend, had been having a few drinks at a local pub in the early hours of the morning.

They were approached by a young woman who began chatting to them. Our client and his friend had never met this woman before – but she seemed friendly, so they decided to have a couple of drinks with her.

The three engaged in conversation at the hotel for around an hour and a half, during which they discussed going somewhere more private to take part in sexual activity.

The group eventually left the hotel. The following day, the woman claimed that our client and his friend had committed

non-consensual sexual acts on her at a beach.

Our client and friend were charged with sexual assault in 'circumstances of aggravation'.

The 'aggravating circumstances' were that they were in the company of each other at the time of the alleged incident.

The maximum penalty for the offence is life imprisonment.

### **People Lie About Being Sexual Assaulted**

At first glance, this might seem like a terrible act upon a young woman, and some readers might believe that our client and his friend should be sent to prison.

But do a bit of digging and the truth comes to the surface.

A proper analysis of the case, including material that we obtained by way of subpoena, revealed numerous problems with the complainant's version of the events.

For one, she had given conflicting accounts to police and medical practitioners about the events of the night. This was the first major 'red flag'.

And the more material we subpoenaed and got our hands on, the more issues we found.

For example, CCTV footage of the group at the bar showed that, contrary to the complainant's statement, there was touching of a sexual nature prior to the alleged assault.

And while the complainant claimed that she decided to go along with the pair of young men because there were no cabs, footage of the group leaving the bar showed them walking past several empty taxis.

And when the time came for the complainant to give her evidence in court, she gave yet another version of events which conflicted with the statements she had provided to the

police and doctors. This put us in an extremely strong position when it came to cross-examination.

With a little pressure under questioning, the complainant finally relented and admitted to consenting to some of the sexual activity on the night.

Significantly, she was put in a position where she was forced to admit lying under oath while giving her previous testimony.

Following this significant development, the court took an adjournment mid-way through her cross examination.

### **The End Result**

Obviously, the complainant's admission to lying under oath, together with the numerous inconsistencies in her versions of events, put the prosecution in a very difficult position. After some deliberation, the prosecution's lawyers were forced to withdraw all of the complainant's evidence.

With no evidence to support the prosecution case, the trial judge was obliged to follow [case law](#) and direct the jury to return a verdict of not guilty, because the evidence was so defective that, even taken at its highest, it could not sustain a verdict of guilty.

Our client was therefore found to be not guilty.

Finally, our client and his family were able to breathe a sigh of relief and focus on getting their lives back on track. But not after they had spent several months worrying about the prospect of going to prison for a crime he did not commit.

### **A Word of Warning**

While the complainant's lies eventually caught up with her in this case, the experience has taught me a somewhat sinister truth – that there are people out there who are prepared to fabricate stories with the potential to destroy the lives of

others.

It is for this very reason that we should not be so quick to jump to conclusions when we hear reports that someone has been accused of a criminal offence – no matter how serious the allegations may be.

As the saying goes, in the eyes of the law, all are innocent until proven guilty [beyond a reasonable doubt](#).

### **Prosecution Policy**

The public should be aware that the general policy of the prosecution in certain types of cases – such as domestic violence and sexual assault cases – is to prosecute even if the evidence is weak – partly for fear of being criticised by the media and public if they fail to do so.

Perhaps it should also be known that the prosecution's general practice is not to prosecute complainants in sexual assault and domestic violence cases even if they are found to have given false evidence – which is gravely unjust considering the potentially devastating consequences of their lies.

In fact, the complainant in the mentioned case was flown back to Australia from overseas, put up in a hotel and paid a daily witness allowance to participate in the trial – an all expenses paid trip to Australia, funded by the Australian taxpayer. She was then flown back out, again at taxpayer's expense.