

Thank God I'm free, says chef cleared of raping woman who was too drunk to remember. But my name

By [VANESSA ALLEN FOR THE DAILY MAIL](#)

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A chef accused of raping a lawyer after a drunken one-night stand spoke of his relief last night after he was dramatically cleared by a jury of the sex attack in just 45 minutes.

Peter Bacon, 26, was found not guilty of raping the woman, who claimed he had taken advantage of her while she was too drunk to consent to sex.

The student pub worker said he had endured a nightmare during the 13 months from her accusation to his acquittal.



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Freed in 45 minutes: Peter Bacon with friends Jodie Bradley (right) and Laura Dowling (left) after he was acquitted at Winchester Crown Court yesterday

In addition, he questioned why his alleged 'victim' received automatic lifelong anonymity, while he was named as an accused rapist.

In a statement read by his solicitor, he said: 'This case seriously calls into question the lack of anonymity for people like Peter who have been wrongfully accused of rape, and who are ultimately acquitted.'

As he left the courthouse Mr Bacon was met by two female friends who both kissed him as a gesture of solidarity.

Mr Bacon smiled as Laura Dowling and Jodie Bradley, who gave evidence as character witnesses for him during the trial, gave him a peck on either cheek.

The woman's claims that she could remember nothing of her alleged rape also raised questions about why the Crown Prosecution Service decided to continue with the case, at an estimated cost of £90,000 to the taxpayer.

A jury of seven women and four men took just 45 minutes to find Mr Bacon not guilty, after hearing three days of evidence.

They had heard his accuser, a 45-year-old woman, claim that she must have been raped because she was too drunk to have consented to sex.

The woman, a lawyer who described herself in court as a 'recreational binge drinker', said she found Mr Bacon lying in

her bed one morning with no memory of what had happened.

She immediately accused the university student of taking advantage of her, shouting that the law had been changed because of 'f*****s like you'.

In 2007 the Appeal Court ruled that a woman who is drunk may not be capable of giving her consent to sex, even if she is still conscious.

But juries are still asked to make their own decisions about whether they believe a woman was sober enough to consent, and whether a man could 'reasonably believe' that she had consented.

Mr Bacon had insisted that he believed the woman had given him a 'come-on' and had flirted with him before the pair had sex.

He said she was a willing participant and added: 'I was aiming to try to get a one-night stand legitimately and then have coffee and breakfast in the morning and go our separate ways.'

Speaking after the unanimous verdict was returned at Winchester Crown Court, Mr Bacon said: 'It feels like an enormous weight has been lifted.

'The issue has been resolved now and I can move on. It's great, I can't believe it. It's awesome (to be free).'

His solicitor Nicola O'Connor read a statement on his behalf. She said: 'There are no winners in this case. Peter has had this awful allegation hanging over his head for just over a year now.

'It has been enormously upsetting and stressful to have an allegation of this nature made against him.

'As soon as he was aware that the complainant was alleging rape, he voluntarily contacted the police and told them what happened.

'He told the police as much as he could. He has maintained his innocence throughout.

'Peter is enormously grateful to the jury for carefully considering the evidence in this case and returning a verdict



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Solidarity: Mr Bacon with Miss Bradley, who gave evidence during the trial

of not guilty.'

Mr Bacon was accompanied by several female friends who had given evidence on his behalf, speaking about his honesty, respect for women and their belief in his trustworthiness.

He is a university undergraduate. He is hoping to resume the final year of his sociology degree at Canterbury University.

His legal team had asked the judge to throw out the case after the prosecution completed its evidence on Wednesday.

Judith Khan, defending, said there was 'no case to answer' and said there was no evidence that a rape had been committed.

Judge Patrick Hooton rejected her application, saying a jury would have to decide if they believed the woman was too drunk to consent to sex.

He said: 'There is no evidence from any expert to say that at a certain reading (of alcohol in the blood) a person would have been incapable of making conscious decisions.

'That is something that has to be decided through knowledge of human conduct and that varies from individual to individual.'

The question of how alcohol affects a woman's ability to give her consent to sex is one that has dogged the criminal justice system.

In 2007, three Appeal Court judges quashed the conviction of 25-year-old software engineer Benjamin Bree, who was jailed for five years the previous December after a drunken evening with a 19-year-old student.

The girl told the jury that she did not want to have sex, but Mr Bree told the court she had given her consent.

One of the judges said sex amounts to rape if the woman is incapable of giving consent.

But he added: 'Where the complainant has voluntarily consumed even substantial quantities of alcohol, but nevertheless remains capable of choosing whether or not to have intercourse, and in drink agrees to do so, this would not be rape.'

A Crown Prosecution Service spokesman defended the decision to take the case to court.

She said: 'The Crown Prosecution Service takes allegations of rape very seriously and after receiving a file relating to Peter Bacon from Kent Constabulary, two CPS rape specialists carefully reviewed the evidence.

'They decided that there was sufficient evidence for a realistic prospect of conviction and therefore decided that Peter Bacon should be charged with rape.

'The ability of the complainant to consent was clearly an issue in this case.

'A submission by the defence that there was no case to answer was rejected by the judge, who allowed the case to be considered by the jury.'

YEARS OF CONFUSION ON LAW OF CONSENT

THE dubious decision to prosecute Peter Bacon follows six years of deepening confusion over the law on rape, drink and consent.

It began in 2003 when Labour changed the definition of the offence in its Criminal Justice Act to try to swing the balance of the law in favour of more guilty verdicts.

Until then, a man accused of rape needed only to show he believed he had consent to sex to escape conviction. The alterations mean an accused man must now show he had reasonable grounds to believe he had consent.

But in 2005 came the case of security guard Ryalri Dougal, 20, who was accused of raping a student in Aberystwyth. Mr Dougal said they had consensual sex as he walked the woman back to her flat. His trial collapsed after the student told the jury she was too drunk to remember whether she had agreed to sex.

Labour MP and activist Vera Baird QC said the

judge who threw out the case had made 'a dreadful error' and 'needs to be spoken to and sent on some re-training'.

She is now Solicitor General, with supervision over the Crown Prosecution Service and its chief, Director of Public Prosecutions Keir Starmer QC. While in office she has continued to campaign for more rape convictions.

In Mr Bacon's case, the woman could not remember whether she gave consent. However, unlike the Judge in the 2005 Dougal case, Judge Patrick Hooton let the Bacon case go all the way to the jury. Why did he do so when the case against him appeared so slender?

It is hard to dismiss the thought that political pressure for more rape convictions and calls for unco-operative judges to be retrained may have had some influence. The CPS said that neither DPP Mr Starmer nor Miss Baird were involved in the decision.

The binge-drinking lawyer who called man 19 years her junior a rapist

Peter Bacon woke up hoping for 'coffee and breakfast' from her.

She greeted the new day by accusing him of rape.

Last night the mutual friend who introduced the pair, Tyrone Alexander, said the entire process had been 'horrendous'.

Today it can be disclosed that the woman at the centre of the case, a self-confessed 'recreational binge drinker', had been suffering from depression for a year before the incident.

She was born in Wales and was 44 at the time of the incident, 19 years older than Mr Bacon who was 25.

After graduating she moved to the South-East, where she has been working as a criminal defence solicitor for about a decade.

She largely represented those accused of minor criminal damage, and was known for her flamboyant outfits in court.

Friends said she had not had a serious boyfriend in the last few years and remains close to her parents, calling her mother most evenings.



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Victim: Peter Bacon's accuser had been depressed for a year before the incident

She was said to be a regular in several pubs and bars around her home town but told the court she preferred to drink at home.

Those who went to her tastefully decorated town house on February 17 last year – immediately after the attack – noted that there were overflowing ashtrays and 23 empty bottles around the house.

Mr Alexander, 40, who runs a bar, said: 'I think her drinking came with the territory of being a lawyer.

'She had some tough cases and would go drinking with her solicitor friends to wind down.

'But I don't think her drinking was that out of the ordinary. It was always social drinking as far as I could tell. She was a very nice person.'

Mr Bacon said he had met her on two previous occasions in the proceeding four months and that she had been drunk both times, and added that she had slept with another man on one of those occasions.

He was described as a quiet, hard working student who was holding down two parttime jobs while completing his degree in sociology.

He grew up in Coventry and trained as a chef after leaving school. He lived in Sweden for a while before moving to Canterbury where he started his degree and worked as a chef at the Dolphin Pub and a shop assistant in Next.

Friends described him as a gentle man who would always ensure that female friends got home safely after a night out.

Another acquaintance said: 'Women seem to like being around him. I have seen him with girlfriends and I have also seen him get knocked back. But he has never forced himself on anyone.'

Mr Alexander said: 'He's a very kind and caring individual, and would never speak badly of anyone. He's a quiet person, very private, never any trouble. He's also very academic. He wanted to do something in business.'

On the night of the incident, the woman shared four bottles of wine with Mr Alexander, who then invited Mr Bacon over to the house for a few more drinks.

Mr Bacon said he arrived about midnight. He said he realised it was a very well kept home and so was careful to take off his shoes at the door.

He said the woman had remarked on his age before smiling at him and brushing her leg against his. When Mr Alexander went home, he said he and the woman began kissing, and eventually went upstairs to her bedroom.

He said: 'I thought she gave me the come-on, the body language-and eye contact was there and when I was kissing her she did not give me the brush-off.'

Mr Bacon said she was able to walk upstairs unaided, and had helped him to take off her clothes and underwear and performed a sex act on him.

The following morning, as he lay naked beside her, she became hysterical and shouted at him: 'The law has been changed for f*****s like you. If you're too drunk to give consent then it's rape.'

Mr Bacon was stunned. He said: 'I was hung over, tired and shocked by the allegation she was making. It was quite overwhelming. As far as I knew we had a good evening and I intended to have a nice morning.'

He grabbed his clothes and left, leaving his socks behind. He phoned 999, tried to go to his local police station, and called several rape helplines.

He was arrested on suspicion of rape later that day.

Mr Alexander said: 'They had a lot of mutual friends and this has caused many rifts as people feel they are forced to take sides.'

'The whole thing has been very sad indeed.'

Last night the woman said from behind a closed door at her townhouse: 'I don't want to talk to anybody about this.'