

Rape case collapses after 'cuddling' photos emerge

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A rape case has collapsed after images emerged of the accused and his alleged victim "cuddling" in bed together.

The Crown Prosecution Service (CPS) offered no evidence against Samson Makele at Snaresbrook Crown Court, 17 months after he was arrested.

The photos were discovered on his phone by a defence expert but had not been disclosed by police or prosecutors.

The CPS said it was not a failure of disclosure and it stopped the prosecution once the pictures emerged.

Lawyers for Mr Makele said at least four photos taken on the day of the alleged rape showed the pair together, apparently naked under bedsheets.

'No evidence'

In July 2017, the 28-year-old, who is originally from Eritrea, was charged with raping the woman after the Notting Hill Carnival in west London in August 2016.

According to his lawyers, the CPS said after he had been charged that apart from text messages between the pair, there was nothing else of relevance on the phone.

The defence commissioned its own expert to examine the device and a report containing details of the images was sent to the CPS on 5 January.

Earlier in court prosecutors offered "no evidence" against Mr Makele, a fortnight before his trial was due to begin.

The Metropolitan Police said it was "the responsibility of the investigating officer to pursue all reasonable lines of enquiry in an investigation" which "involves making complex decisions based on the evidence available and disclosures made".

It added: "In this case it is apparent that the police investigation did not find the images."

A spokesperson for the CPS said they had received "material we were not previously aware of" from the defence.

"The case was reviewed and it was concluded there was no longer a realistic prospect of conviction. We made the decision to offer no evidence and did so at a hearing today."
