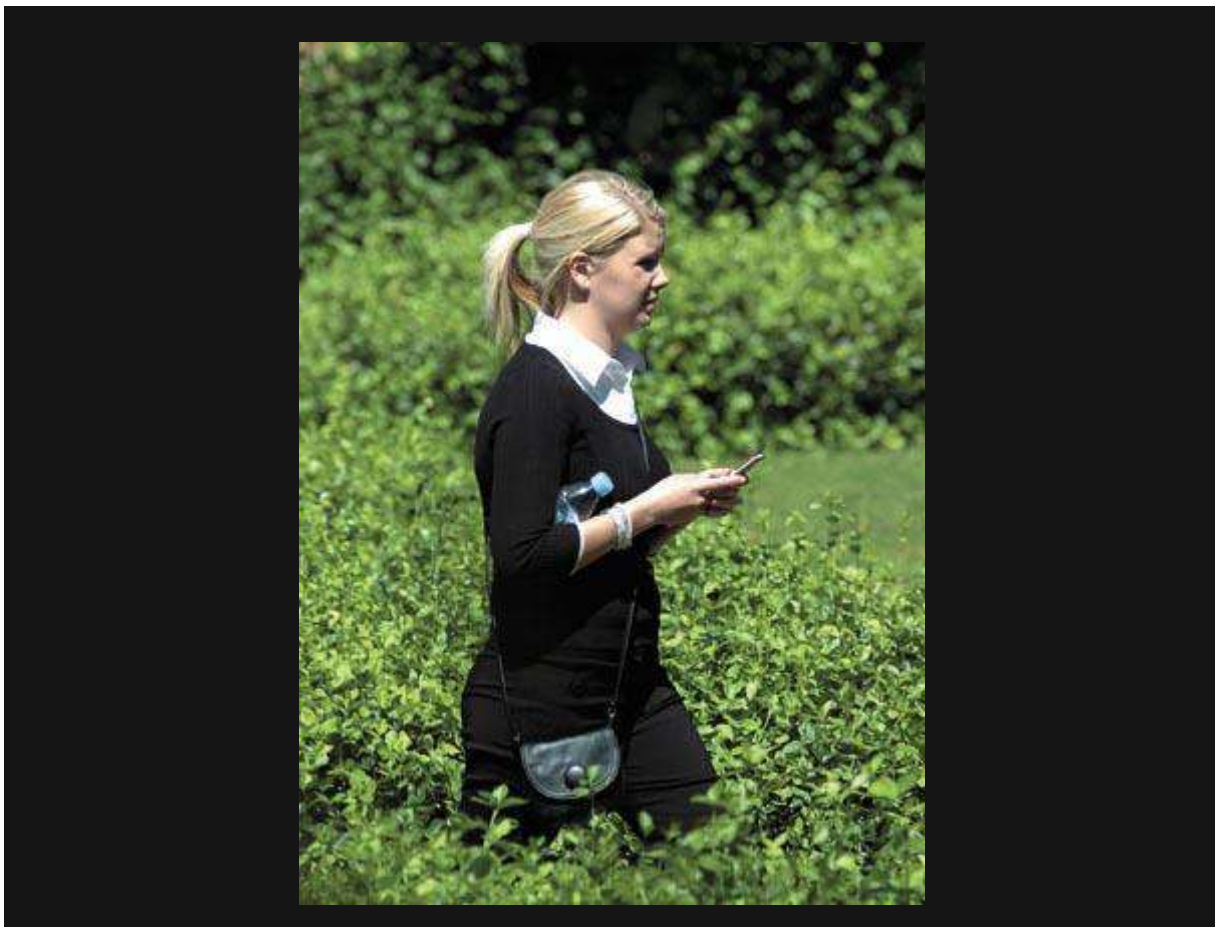


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Rape claim pair formally cleared as trial collapses

By Anita Patterson



TWO young women have been formally cleared of making a false rape allegation – after a series of “lamentable” failures forced the prosecution to drop the case against them.

Jade Russell, 20, and Faye Dimmock, 18, were accused of lying when they told police Ian Cole, 24, had raped Russell shortly after meeting her at the junction of Roodegate and The Gore, Basildon, in the early hours of March 24 last year.

But at Basildon Crown Court, Judge Michael Brooke QC directed the jury to acquit Russell and Dimmock of perverting the course of justice, after Lesli Sternberg, counsel for the prosecution, told the court she would offer no further evidence against them.

The announcement followed two days of legal argument during which Judge Brooke ruled out certain aspects of the prosecution's case, because it had not been served on the defence in advance. Other crucial prosecution evidence had been lost, it emerged.

Judge Brooke told the jury: "There has been a long history of late or non-disclosure by the prosecution in this case. The prosecution rightly has a very heavy obligation to disclose material to the defence, but I am afraid the history of disclosure has been lamentable."

For this reason, Judge Brooke told Miss Sternberg she could not use parts of a police interview with Russell, filmed on March 27 last year.

It included Russell's response to Mr Cole's version of events.

The DVD on which the interview was saved was initially thought to have been lost by police. It was only produced on the seventh day of the trial. Other important recordings, including those of interviews with Dimmock on March 27 last year and Russell, on April 10 last year, never turned up.

Also, Russell was never cautioned and read her rights before her April 10 interview.

The trial was initially expected to last four days, opening on July 21, but problems surrounding the interview tapes delayed the start until July 28.

Mr Cole insisted all along to police that he and Russell had consensual sex. He was later released without charge, while Dimmock, of Roodegate, Basildon, and Russell, of Little Bentley, Basildon, were both charged with perverting the course of justice.

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