

# Man wrongly jailed for 32 days after wife's fake rape claim sues government

**A man who spent 32 days in jail after his paediatrician wife faked a rape claim against him is suing the NSW Government.**



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The man is suing the NSW Government for more than \$500,000 after his horrific ordeal, which saw him wrongly jailed for more than a month.

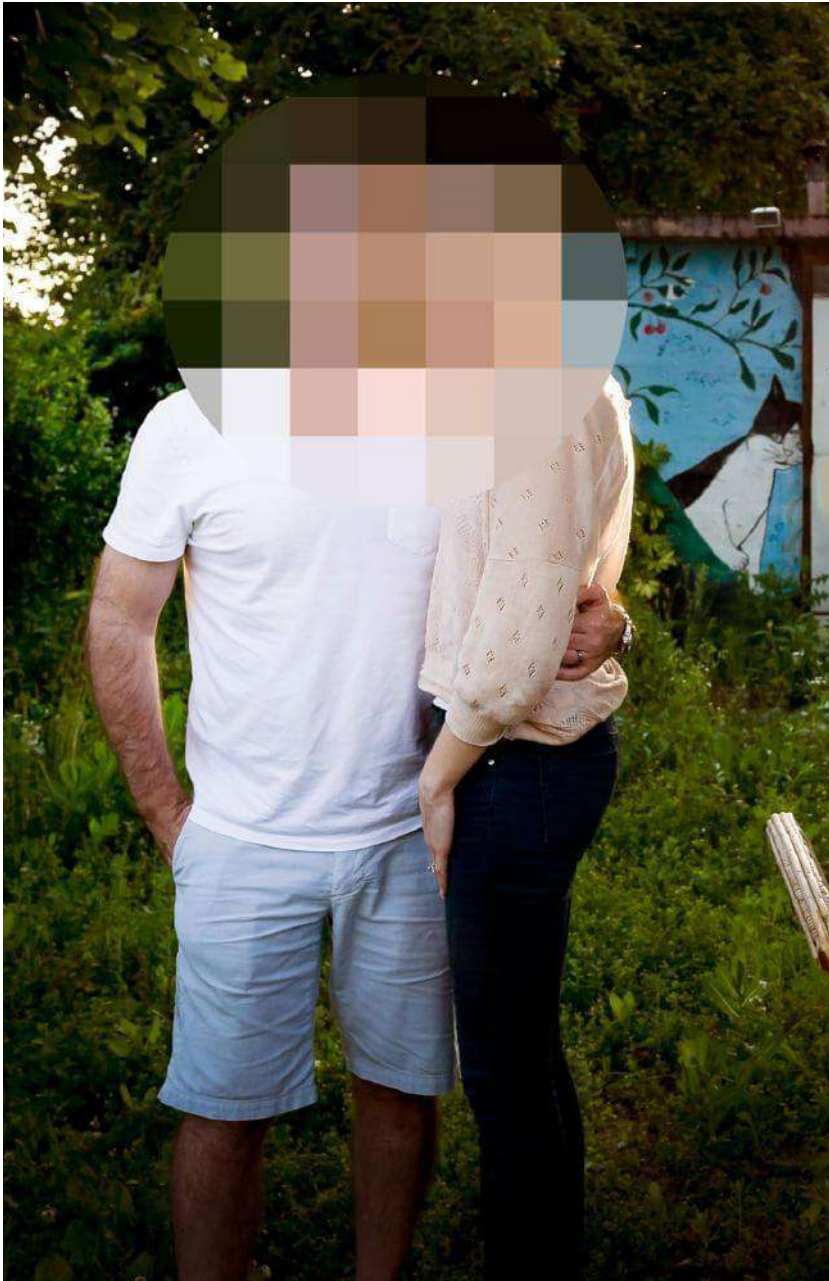
Picture: SuppliedSource:Supplied

## EXCLUSIVE

A Sydney man is seeking more than half a million dollars in damages from the NSW Government for maliciously prosecuting a false rape claim made against him by his North Shore paediatrician wife.

A jury acquitted the man, who cannot be identified for legal reasons, of rape, domestic violence, assault and other charges in 2017 after Sydney District Court Judge Mark Williams issued a rare Prasad direction.

A Prasad direction allows a jury to find a defendant not guilty any time after the close of the Crown in cases where there is insufficient evidence to justify a conviction.



The couple in happier times. Picture: *SuppliedSource:Supplied*

On legal advice, the man had pleaded guilty to two counts of domestic violence — relating to an email and damage to his then-wife's mobile phone (after discovering explicit text messages between her and another man) but the judge dismissed those charges without recording a conviction.

The man spent 32 days in jail on remand, an “extraordinarily difficult” experience given he had no criminal record and one that continues to haunt him to this day.

“I was never far from ending it all after my release from prison,” he told news.com.au yesterday. “The actions of police were so deliberate and savage that it made me doubt everything.”

The judge slammed the case against the man as “most unsatisfactory” and said prosecutors had failed to take into account “cogent and consistent objective evidence” that backed up the man’s claim that the sexual encounter at the heart of the rape charge was in fact consensual.

Defence lawyer Greg Walsh told the court the man and his legal team took photographic evidence that corroborated his story and discredited hers to the police, but it was ignored. “Was it ideological, was it wilful blindness? I don’t know,” Mr Walsh said. “All the evidence pointed to the fact that this was an innocent man who should not have been charged.”

### **“I REALLY NEED A PIC OF THAT P\*\*\*Y PLEASE”**

The couple’s marriage had been on the rocks for several months prior to the wife taking her fake rape, assault and domestic violence claims to police because of her long-term abuse of prescription pills.

During the man's 10-day trial, the court heard evidence his former wife was addicted to the opiate painkiller Tramadol and wrote scripts for herself in her husband’s name — a practice that continued for several years.

“She was self-prescribing for five years using my name so she could get Tramadol,” the man told news.com.au.

“Her fear of being reported when the marriage broke down was the genesis of the fake rape claims.”

The couple’s relationship took another knock on May 4, 2015 after the man discovered a series of sexually explicit text messages between her and a man in London.

“I really need a pic of that p\*\*\*y please,” one of the messages to his wife read.

The pair got into a heated argument before the man threw the wife’s mobile phone out the front door of their Sydney home, smashing the screen. The damage to the device was the subject of one of the domestic violence counts.

The second count of domestic violence related to a sarcastic email the man sent to his wife, featuring an explicit photograph she had previously sent to him, in which he suggested it was the type of image the man in London had requested.

Prosecutors argued the email was an example of “revenge porn” but the judge dismissed both counts, noting the man had been forced to defend himself at trial at considerable expense against serious charges that should not have been brought against him.

“Cops worked on this case for two years,” the man told news.com.au.

“Judges, courts and jurors were used. It probably cost the tax payers over a million dollars in man hours alone. What a huge waste of time and money.”



The man's former wife is a paediatrician at a Sydney hospital. Picture: SuppliedSource:Supplied

The woman moved out shortly after. She told police that when she returned to the marital home six weeks later on June 15, 2015 to visit their dogs, her former husband raped her three times.

In her statement to police, obtained by news.com.au, the doctor alleged she was raped shortly after walking through the front door.

“The dogs came running toward me and (the husband) invited me in to see them,” she told police.

She alleged her former husband then “kissed her very forcefully” before shoving his hand down her skirt “to the point where it hurt me”.

She said he led her into the living room before pushing her up against a wall and having sex with her from behind.

“I tried to push him away with my hand,” she said in her statement. “He then forcefully had sexual intercourse with me so hard that my forehead was hitting the wall. I tried to turn around so I could see what he would do next. I didn’t want to be facing away from him. He was smiling.”

She claimed she was raped another two times shortly afterwards. But it was all an elaborate lie and the defence proved it by tendering photographic evidence from a security camera in the home which showed the sex to be consensual.

“I had installed cameras in the house a day earlier but she didn’t know that when she went to police,” the man told news.com.au.

A text message exchange between the pair the following night in which she wished her husband a “safe flight” hours before he flew to Europe on a work trip was produced in court.

Four days after he left the country, the former wife walked into Gordon Police Station on Sydney’s North Shore and made claims of rape, assault and domestic violence that would ultimately be dismissed by a judge.

When he returned, police were waiting for him at Sydney Airport, arresting him in a dramatic swoop in full view of fellow travellers.

## **WRONGFUL ARREST AND FALSE IMPRISONMENT**

The basis of the man’s legal claim is that police and the DPP went ahead with the charges against him despite having been alerted to evidence that proved the so-called victim was lying.

That included video footage of the sexual encounters on June 15, 2015 which proved they were consensual.

In issuing a Prasad direction and dismissing proceedings against the man, Judge Williams acknowledged the case should never have gone to trial.

The man’s statement of claim, obtained by news.com.au, lists the defendants as the State of NSW (Commissioner of Police), the NSW Director of Public Prosecutions and his ex-wife, who remains employed as a paediatrician at a Sydney hospital.

The man told news.com.au that his legal team have yet to put a final figure on the compensation he will be seeking but estimated it would be in excess of \$500,000.

That included an estimated \$200,000 in lost income, \$110,000 in legal fees plus damages stemming from his horror month in jail.

While Judge Williams awarded the man court costs following his acquittal, he was only able to recoup just over half of his mammoth \$270,000 legal bill.

“They accepted \$260,000 of that and then they applied the government cap which meant I received \$160,000, leaving a \$110,000 shortfall,” the man told news.com.au.

The statement of claim describes the man’s dramatic arrest at Sydney Airport on August 20, 2015, which saw police seize his laptop, iPod and hard drive.

“The Plaintiff was refused bail at Mascot Police Station (and) remained in custody for thirty two days until he was granted conditional bail,” the document states.

Under his bail conditions, he was required to surrender his passport and report daily to police, making it impossible to travel overseas for work commitments, resulting in a significant loss of income.



The doctor's ex-husband is suing police and the DPP for malicious prosecution of fake rape and domestic violence claims. Picture: SuppliedSource:Supplied

“The arrest and imprisonment of the Plaintiff was wrongful, whereupon the Plaintiff has suffered loss and damages and is entitled to damages, aggravated damages and exemplary damages,” the document states.

“The arrest and imprisonment of the Plaintiff caused him severe mental anguish and distress.”

<https://www.news.com.au/lifestyle/real-life/man-wrongly-jailed-for-34-days-after-wifes-fake-rape-claim-sues-government/news-story/1fc1c5cc955e18b995d07db38e2b5bb4>