

Tears in Cork court as man found not guilty of rape of cousin

echolive.ie/corknews/arid-40101773.html

Fri, 04 Sep, 2020 - 16:53



Liam Heylin

Unanimous not guilty verdicts were delivered today in the case against a man who was put on trial for raping his cousin at Halloween when she was 12 and he was 13.

The jury of eight men and four women returned at the Central Criminal Court after three hours and 25 minutes of deliberation.

They found the 22-year-old not guilty of raping his cousin after Halloween trick or treating in 2011, and also found him not guilty of raping her exactly one year later at Halloween 2012 in the same manner, namely anal rape. In relation to two other counts of vaginal rape and oral rape before July 2014 the jury also returned unanimous verdicts of not guilty.

The accused man broke down in tears in the dock in the courtroom on Anglesea Street in Cork where the Central Criminal Court was sitting.

His girlfriend and members of his family also broke down in tears as the young man was found not guilty of all charges.

The allegations were first made against him at a school night out back in December 2015. The accused always denied the offences.

Defence senior counsel Siobhán Lankford challenged the credibility of the complainant stating that as a teenager her own family did not always believe her. Ms Lankford said the complainant had previously made another rape complaint against another young man but had decided to withdraw her complaint against him. The defence also referred to contradictions in details given by the complainant in the witness box and things that were said to counsellors and other parties.

Prosecution senior counsel Tom Creed asked the young woman why she had withdrawn the other complaint of rape against the second young man and she replied, “I felt I was not able to pursue two cases.”

Mr Creed said the defence lawyer, Ms Lankford, was suggesting that she was making up the complaint in the present case. She replied, “I did not make it up. It happened. I wish I was making it up.”

The complainant agreed with Ms Lankford that she was somewhat difficult in her teens.

Ms Lankford SC said, “Your family had concerns about your truthfulness. Your family thought you might be telling lies about things in general?” The witness replied, “Possibly.”

In relation to the present case Ms Lankford said the first time the complainant claimed she was raped by the defendant was made at the school night out. Ms Lankford said, “I would suggest to you (that once she made the public complaint) you were on a path you could not come back from and had to proceed with this path – you could not lose face, you had to keep going?”

The complainant replied, “No.”

The young man denied the allegations put to him. The first allegation that gardaí put to him related to Halloween 2011 when he was 13 and the complainant was 12 and she said that he put his penis in her anus.

The accused said to interviewing gardaí, “That is absolutely disgusting,” and added that he did not know why she would say such a thing.

When asked about a similar allegation relating to the following Halloween was put to him the young man he replied, “Disgusting. I wouldn’t dream of doing that.”

The third incident related to an allegation of anal and vaginal penetration with the penis and his response to that was, “Horrendous. I cannot even think about it. It is disgusting.”

The fourth count related to an alleged incident before July 2014 when he allegedly committed an act of oral rape. He replied to that, “It is vile. I respect girls. I would not dream of doing that.”

Ms Lankford SC referred to the defendant as a young man with no previous convictions.